

IN THE MATTER	:	BEFORE
OF THE APPLICATION OF	:	
GLEN L. DURST, ET UX	:	COUNTY BOARD OF APPEALS
FOR SPECIAL EXCEPTION	:	
FOR A PRIVATE	:	OF
BREEDING KENNEL	:	
S/S BRANDY SPRINGS RD. 60'	:	BALTIMORE COUNTY
W. C/L OF MASEMORE RD. &	:	
N/S MT. CARMEL RD. 430'	:	NO. 84-54-X
E. C/L OF SUNSWEPT LANE	:	
7th DISTRICT	:	

: : : : :

OPINION

This case comes before the Board on appeal from a decision of the Zoning Commissioner granting the requested special exception for a private breeding kennel and imposing certain restrictions thereon. The case was heard on February 14, 1984, in its entirety. The subject property is located on the south side of Brandy Springs Road 60 feet west of the centerline of Masemore Road and on the north side of Mt. Carmel Road 430 feet east of the centerline of Sunswept Lane, in the Seventh Election District of Baltimore County.

Mr. William Ulrich, land surveyor, testified that he prepared the plat for this site which was entered into evidence as Petitioner's Exhibit #1. He described the details portrayed on this exhibit to the Board. He noted the access to the proposed kennel would be via a paved lane off Mt. Carmel Road. He also noted the distance to the nearest residence to be some 500 feet<sub>±</sub> and to those on Flickerwood Road to be in excess of 1,000 feet. He noted the topography of the land as portrayed on Petitioner's Exhibit #3, which indicates the proposed site to be some 30 feet lower in elevation than Mt. Carmel Road. In closing his testimony, he noted that the land adjacent to the subject site is either wooded or pasture, the topography tending to discourage any tillage farming.

Mrs. Barbara Durst, property owner and Petitioner, then testified. Her testimony was that she has had the existing kennel for some twelve years and that it is a boarding kennel. A boarding kennel accepts any and all type dogs, and provides care for them for indeterminate periods. She also breeds and shows Chow dogs. Her success in breeding Chow dogs in the existing facility has been very poor since Chow dogs, especially puppies, are very susceptible to many diseases from other animals being boarded at this facility, hence, this request to be allowed a separate breeding facility. Mrs. Durst submitted as Petitioner's Exhibit #4-a thru #4-f a series of Facilities Inspection Reports conducted by an Animal Control Warden from April 4, 1979 thru

the Petitioners have been advised by their veterinarian to separate and isolate the breed from other dogs and personnel in order to safeguard the dogs and protect their investment.

The Petitioners have owned and operated their boarding kennel, the Hereford Country Club for Pets, for the past eleven years. It is a boarding kennel, that is, the Petitioners take in, care for, and provide associated services to, dogs and other animals brought to them by owners. These animals can be boarded with Petitioners for various periods of time. The Petitioners testified that the request for the special exception to build the "private breeding" kennel is due to the introduction of germs to the Chows when the breeds mix at the kennel. This has been a continuous problem and one that has not been solved nor can be. It was explained that the dogs, no matter how well cared for, carry virus which cannot be eliminated no matter what the effort to do so. The virus which brought into the kennel are then transmitted through the air to the Chows, with the new born and puppies being particularly susceptible to disease leading to death. The Petitioners testified that medical evidence concludes that the only solution to the problem is to completely isolate the Chows from outside exposure to other dogs and animals. They testified that they have lost many puppies to disease related to the problem as described above. The Veterinarian for the Petitioners, through Petitioners Exhibit 9, confirms the dangers as described by the Petitioners and states that the Chows need and require isolation from the animals kept at the boarding kennel as well as from the personnel that work there. It is obvious that the loss to the Petitioners if the Chows were not to be isolated would be extreme, both monetarily and emotionally. The Petitioners brought to the hearing one of their Chows, a prize show dog valued at \$5000.00!

UNRECORDED

DATE August 23, 1983

BY Mary Campagna (Clerk)

ADMINISTRATIVE ASSISTANT

**PETITION FOR SPECIAL EXCEPTION**

7th Election District

**ZONING:** Petition for Special Exception

**LOCATION:** South side of Brandy Springs Road, 60 ft. West of the centerline of Mesamore Road and North side of Mt. Carmel Road, 430 ft. East of the centerline of Sunswep Lane.

**DATE & TIME:** Wednesday, August 17, 1983 at 1:30 P.M.

**PUBLIC HEARING:** Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a kennel (private breeding)

All that parcel of land in the Seventh District of Baltimore County

Beginning for the same on the south side of Brandy Springs Road at the beginning of the land of the herein petitioner, said point of beginning being westerly measured along the southernmost side of Brandy Springs Road, 60 feet from the center of Mesamore Road, thence running and binding on the southernmost side of Brandy Springs Road, by a line curving toward the left having a radius of 300 feet for a distance of 40 feet, thence leaving Brandy Springs Road and running on the land of the herein petitioner, the seventeen following courses and distances via: South 55 degrees 03 minutes West 255.00 feet, South 54 degrees 35 minutes 45 seconds West 300.00 feet, North 75 degrees 12 minutes 35 seconds West 160.00 feet, South 54 degrees 35 minutes 45 seconds West 720.00 feet, North 35 degrees 24 minutes 15 seconds West 645.00 feet, North 54 degrees 35

Hearing Date: Wednesday, August 17, 1983 at 1:30 P.M.

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER OF  
BALTIMORE COUNTY

48364-L49869

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. 8-2 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 successive weeks, the first publication appearing on the 27th day of July 1983.

THE TOWSON TIMES

Cost of Advertisement, \$ 36.48

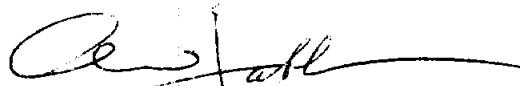
Mr. & Mrs. Glen L. Durst  
1201 Brandy Springs Road  
Parkton, Md. 21120

Gerhold, Cross & Hertz  
412 Delaware Avenue  
Towson, Md. 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204


Your petition has been received and accepted for filing this  
7th day of June, 1983.



ARNOLD JABLON  
Zoning Commissioner

Petitioner Glen L. Durst, et ux  
Petitioner's  
Attorney \_\_\_\_\_

Received by:



Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

August 8, 1983

Mr. & Mrs. Glen L. Durst  
1201 Brandy Springs Road  
Parkton, Maryland 21120

Re: Petition for Special Exception  
S/S Brandy Springs Rd., 60' W of the c/l of  
Masemore Rd. & N/S Mt. Carmel Rd., 430' E  
of c/l of Sunswapt Lane  
Case No. 84-54-X

Dear Mr. & Mrs. Durst:

This is to advise you that \$38.48 is due for advertising and posting  
of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and  
remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building,  
Towson, Maryland 21204, before the hearing.

Sincerely,

  
ARNOLD JABLON  
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 119468

DATE 8/12/83 ACCOUNT R-01-615-000

AMOUNT \$88.48

RECEIVED Glenn L. Durst  
FROM:  
= Advertising & Posting Cas #84-54-X  
FOR:

0 078\*\*\*\*\*8848:0 0150A

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 121532

DATE 9/26/83 ACCOUNT R-01-615-000

AMOUNT \$110.00

RECEIVED Edward P. Erler, Sr.  
FROM:

FOR: Appeal fee on Case #84-54-X

6 010\*\*\*\*\*11000:D 0275A

\_\_\_\_\_  
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 121531

DATE 9/22/83 ACCOUNT R-01-615-000

AMOUNT \$110.00  
(\$5.00 in cash and  
\$105.00 check)

RECEIVED FROM: People's Counsel

FOR: Appeal fee on Case #84-54-X

6 128\*\*\*\*\*1100000 8230A

VALIDATION OR SIGNATURE OF CASHIER

July 19, 1983

Mr. & Mrs. Glen L. Durst  
1201 Brandy Springs Road  
Parkton, Maryland 21120

NOTICE OF HEARING


Re: Petition for Special Exception  
S/S Brandy Springs Rd., 60' W of the c/1 of  
Masemore Rd. & N/S Mt. Carmel Rd., 430' E of  
the c/1 of Sunswept Lane  
Case No. 84-54-X

TIME: 1:30 P.M.

DATE: Wednesday, August 17, 1983

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

  
ZONING COMMISSIONER OF  
BALTIMORE COUNTY

No. 117382

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE

5/26/83

ACCOUNT

\$ 100.00

AMOUNT

01-615.000

RECEIVED  
FROM:

FOR:

Glen L. Durst  
File for Item # 255

0 124\*\*\*\*\*1000000 0270A

VALIDATION OR SIGNATURE OF CASHIER



PETITION FOR SPECIAL EXCEPTION

7th Election District

ZONING: Petition for Special Exception

LOCATION: South side of Brandy Springs Road, 60 ft. West of the  
centerline of Masemore Road and North side of Mt.  
Carmel Road, 430 ft. East of the centerline of Sunswept Lane

DATE & TIME: Wednesday, August 17, 1983 at 1:30 P.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake  
Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a kennel (private breeding)

All that parcel of land in the Seventh District of Baltimore County

Being the property of Glen L. Durst, et ux, as shown on plat plan filed with the Zoning Department.

Hearing Date: Wednesday, August 17, 1983 at 1:30 P.M.

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue,  
Towson, Maryland

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

P.S.H.**County Board of Appeals**Room 219, Court House  
Towson, Maryland 21204

November 17, 1983

**NOTICE OF ASSIGNMENT**

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 84-54-X

GLEN L. DURST, ET UX

S/S Brandy Springs Rd., 60' W of the c/l of  
Masemore Rd. and N/S Mt. Carmel Rd.,  
430' E of c/l of Sunswept Lane

7th District

SE-Private Breeding Kennel

8/23/83 - Z.C.'s Order-GRANTED with restrictions

ASSIGNED FOR:TUESDAY, FEBRUARY 14, 1984, at 10 a.m.

cc: Glen L. Durst, et ux      Petitioners  
      *Ed. Erler Jr*      *Alta for Pet.*  
      Reita Erler & Edward Erler, Sr.      Protestants

Maxine Myers

"

Charles Mays

"

Tim Timber

"

Elizabeth A. Wirtz

"

J. W. Hessian, Esq.

People's Counsel

N. Gerber

J. Hoswell

A. Jablon

J. Jung

J. Dyer

June Holmen, Secy.

11/17/83 - Following were notified of hearing set for Tues. Feb. 14, 1984, at 10 a.m.:

Glen Durst, et ux  
Reita and Ed. Erler  
Maxine Myers  
Charles Mays  
Tim Timber  
Eliz. Wirtz  
J. W. Hessian  
N. Gerber  
J. Hoswell  
A. Jablon  
J. Jung  
J. Dyer

84-54-X

7th District

S/S Brandy Springs Rd. 60' W. of the  
c/l of Monomere Road, and  
N/S of Mt. Carmel Rd. 430' E. of the  
c/l of Sunset Lane

Glen L. Durst, et ux

2 - SIGNS

Testimony was offered that if sold as pets, Chows as puppies would sell for between \$300.00 to \$500.00. If sold as show dogs, it was estimated that a puppy would bring between \$700.00 to \$1500.00.

The Petitioners propose to avoid the problems described above by building a separate, distinct and literally isolated kennel. This new kennel will be built as more fully described in their Exhibit 10, and as described on the site plans submitted by them and accepted into evidence, and would be 80' by 28'. It will be fully enclosed, insulated and protected from external influences. It would consist of office space, kitchen space, training room, runs, isolation area and holding kennel. Access to the kennel will be by access road from Mt. Carmel Road, approximately 600' long, to the southern boundary line, and then 225' further to the kennel itself. Petitioners testified that the new kennel will be solely used for raising Chows, training them and preparing them for show and/or for sale. The kennel will not be used for boarding other dogs or for boarding Chows not belonging to them. The kennel will be used only for breeding Chows belonging to them, and, therefore, there will be no additional traffic created to the kennel except for the Petitioners themselves and their employees, which they estimate to be three. The land along the access road is owned by the Petitioners. The stated purpose of the proposed kennel will be for the Petitioners to breed and raise Chows belonging only to them, and they estimate that at any one time they will have approximately ten to twelve puppies and twenty to thirty adult dogs. The Petitioners further testify that the neighbors will hear no noise from this kennel, and explain that Chows do not make a shrill or loud bark, but a sound which is best described as a low growl. In addition, they state the kennel will be insulated, and that the kennel will be totally enclosed with only sliding glass doors on the side of the runs to allow for air. These doors

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 9, 1983

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

o0o

Nicholas B. Commodari  
Chairman

Mr. & Mrs. Glen L. Durst  
1201 Brandy Springs Road  
Parkton, Maryland 21120

RE: Item No. 255 - Case No. 84-54-X  
Petitioner - Glen L. Durst, et ux  
Special Exception Petition

MEMBERS

Bureau of  
Engineering  
  
Department of  
Traffic Engineering  
  
State Roads Commission  
  
Bureau of  
Fire Prevention  
  
Health Department  
  
Project Planning  
  
Building Department  
  
Board of Education  
  
Zoning Administration  
  
Industrial  
Development

Dear Mr. & Mrs. Durst:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of your proposal to construct a private breeding kennel on a portion of your property, this hearing is required.

At the present time, a kennel exists on the easterly portion of your property, and a previous zoning hearing (Case No. 77-163-A), concerning the existing sign for this use, was heard and eventually dismissed.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*Nicholas B. Commodari, bsc*

NICHOLAS B. COMMODARI  
Chairman

Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Gerhold, Cross & Etzel  
412 Delaware Avenue  
Towson, Md. 21204



BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P. E.  
DIRECTOR

July 1, 1983

Mr. William E. Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #255 (1982-1983)  
Property Owner: Glen L. & Barbara P. Durst  
S/S Brandy Springs Rd. 60' from centerline  
of Masemore Road  
Acres: 35.20 District: 7th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

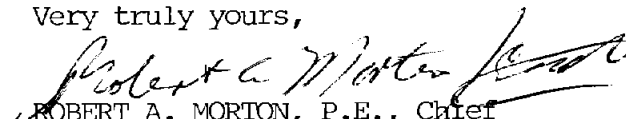
Highways:

Mt. Carmel Road (Md. 137) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Masemore Road, an existing public road, is proposed to be further improved in the future on a 60-foot right-of-way.

Brandy Springs Road, an existing County road, is improved on a 50-foot right-of-way; further highway improvements are not proposed at this time.

Very truly yours,

  
ROBERT A. MORTON, P.E., Chief  
Bureau of Public Services

RAM:EAM:FWR:ss

HH-SW Key Sheet  
108 & 109 NW 14 - 16 Pos. Sheets  
NW 27 & 28 D Topo  
21 Tax Map



# **Maryland Department of Transportation**

State Highway Administration

**Lowell K. Bridwell**  
Secretary

**M. S. Caltrider**  
Administrator

June 13, 1983

Mr. William Hammond  
Zoning Commissioner  
County Office Bldg.  
Towson, Md. 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 6-7-83  
Item: #255  
Property Owner: Glen L.  
& Barbara P. Durst  
Location: S/S Brandy  
Springs Rd., 60' from  
centerline of Masemore  
Rd. & north of Mt. Carmel  
Rd. (Route 137)  
Existing Zoning: R.C. 2  
Proposed Zoning: Special  
Exception for private  
breeding kennel  
Acres: 35.20  
District: 7th

Dear Mr. Hammond:

On review of the site plan of May 2, 1983 and field inspection, the State Highway Administration offers the following comments.

With the site plan showing access from Mt. Carmel Road to the proposed breeding kennel, the State Highway Administration will require highway improvement at the intersection if the site is commercially used.

Very truly yours,

Charles Lee, Chief  
Bureau of Engineering  
Access Permits

By: George Wittman

CL:GW:vrđ

cc: Mr. J. Ogle

**My telephone number is (301) 659-1350**

Teletypewriter for Impaired Hearing or Speech

383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free

P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717





BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

July 28, 1983

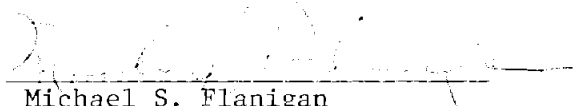
Mr. William Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 255, 256, and 257      ZAC - Meeting of June 7, 1983  
Property Owner:  
Location:  
Existing Zoning:  
Proposed Zoning:

Acres:  
District:

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for  
item numbers 255, 256, and 257.

  
\_\_\_\_\_  
Michael S. Flanigan  
Traffic Engineer Assoc. II

MSF/ccm

June 5, 1983  
Date

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Zoning Item # 355, Zoning Advisory Committee Meeting of June 7, 1983

Property Owner: Glen L. + Barbara P. Deast

Location: S/S Brandy Springs Road District 7<sup>TH</sup>

Water Supply PRIVATE Sewage Disposal PRIVATE

COMMENTS ARE AS FOLLOWS:

- ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- ( ) Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- ( ) A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

- ( ) Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.
- (✓) Soil percolation tests have been conducted.  
(✓) The results are valid until Feb 3, 1986.  
( ) Revised plans must be submitted prior to approval of the percolation tests.
- (✓) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test  
( ) shall be valid until \_\_\_\_\_.  
( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit Applications.
- (✓) All roads and parking areas should be surfaced with a dustless, bonding material.
- (✓) No health hazards are anticipated.
- ( ) Others

Ian J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES



BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3900

TED ZALESKI, JR.  
DIRECTOR

June 21, 1983

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond

Comments on Item # 255 Zoning Advisory Committee Meeting June 7, 1983  
are as follows:

Property Owner: Glen L. & Barbara P. Durst  
Location: S/S Brandy Springs Rd. 60' from centerline of Masemore Road  
Existing Zoning: R.C. 2  
Proposed Zoning: Special Exception for private breeding kennel.

Acres: 35.20  
District: 7th

The items checked below are applicable:

- ☒ A. All structure shall conform to the Baltimore County Building Code 1981/  
Council Bill 4-82 State of Maryland Code for the Handicapped and Aged;  
and other applicable Codes.
- ☒ B. A building/and other miscellaneous permits shall be required before beginning  
construction.
- C. Residential: Three sets of construction drawings are required to file a permit  
application. Architect/Engineer seal is/is not required.
- ☒ D. Commercial: Three sets of construction drawings with a Maryland Registered  
Architect or Engineer shall be required to file a permit application.
- E. An exterior wall erected within 6'0 of an adjacent lot line shall be of one hour  
fire resistive construction, no openings permitted within 3'-0 of lot lines. A  
firewall is required if construction is on the lot line, See Table 401, line 2,  
Section 1407 and Table 1402.
- F. Requested variance conflicts with the Baltimore County Building Code,  
Section/s \_\_\_\_\_.
- G. A change of occupancy shall be applied for, along with an alteration permit  
application, and three required sets of drawings indicating how the structure  
will meet the Code requirements for the proposed change. Drawings may require  
a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru  
the services of a Registered in Maryland Architect or Engineer certify to this  
office, that, the structure for which a proposed change in use is proposed can  
comply with the height/area requirements of Table 505 and the required construction  
classification of Table 401.
- ☒ I. Comments: Show compliance to Handicapped Code on plans.

NOTE: These comments reflect only on the information provided by the drawings  
submitted to the office of Planning and Zoning and are not intended to  
be construed as the full extent of any permit.  
If desired, additional information may be obtained by visiting Room #122  
(Plans Review) at 111 West Chesapeake Ave., 21204

Very truly yours,

*Charles E. Burnham*  
Charles E. Burnham, Chief  
Plans Review

CEB:rrj

FORM 01-82

# BALTIMORE COUNTY PUBLIC SCHOOLS

---

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: June 7, 1983

Mr. William E. Hammond  
Zoning Commissioner  
Baltimore County Office Building  
1111 West Chesapeake Avenue  
Towson, Maryland 21204

Z.A.C. Meeting of: June 7, 1983

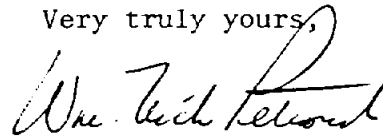
RE: Item No: 254, (255), 256, 257  
Property Owner:  
Location:  
Present Zoning:  
Proposed Zoning:

District:  
No. Acres:

Dear Mr. Hammond:

All of the above have no adverse effect on student population.

Very truly yours,



Wm. Nick Petrovich, Assistant  
Department of Planning

WNP/bp



BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204-2586  
494-4500

PAUL H. REINCKE  
CHIEF

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

September 14, 1983

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Glen L. and Barbara P. Durst

Location: S/S Brandy Springs Road 60' from centerline of Masemore Road

Item No.: 255

Zoning Agenda: Meeting of June 7, 1983

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road, in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_  
\_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Capt. Joseph Kelly 9-19-83  
Planning Group  
Special Inspection Division

Noted and  
Approved:

George M. Kergand  
Fire Prevention Bureau

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

William E. Hammond,  
**TO** Zoning Commissioner  
Norman E. Gerber, Director  
**FROM** Office of Planning and Zoning  
Zoning Petition #84-54-X  
**SUBJECT** Glen L. Durst, et,ux

Date July 29, 1983

Assuming compliance with Section 421.1 of the zoning regulations and the provision of adequate landscaping as necessary, this office is not opposed to the granting of the subject request.

Norman E. Gerber, Director  
Office of Planning and Zoning

NEG:JGH:si

DATE August 23, 1983

BY Mary Campagna (Clerk)

can be closed and will be except for the allowance of air into the runs. When closed, there will be total enclosure. It is also pointed out the great distance between the proposed kennel and the nearest neighbors, as indicated on their Exhibit 10.

The Protestants vigorously disagree and all complain of the noise now emanating from the Petitioners other kennel, and from another on Sunswept Lane, categorized as a Poodle kennel. Whether or not this is a kennel seemed to be a matter of dispute between the parties, but all agree that the Poodles are extremely noisy. The Protestants made it clear that they do not want a third kennel in their neighborhood.

The Protestants complain that property values will decline if the special exception was to be granted, but their main complaint concerns the noise already existing and the expected noise if the proposed kennel was to be built. Apparently there is a plethora of barking dogs, and the Protestants certainly, notwithstanding the Petitioners disclaimer, do not want one more! They state firmly that the noise constitutes a public nuisance.

There is strong disagreement over this issue. The Petitioners deny categorically that noise will be a result, while the Protestants argue that the Petitioners cannot be trusted to be honest in this regard.

The Petitioners seek relief from Section 1A 01.2 C.2, pursuant to Section 502.1, of the Baltimore County Zoning Regulations (BCZR). Section 421.1, BCZR, is not at issue as it is apparent from the site plans that the kennel, if built, would comply with the set back requirements delineated therein.

It is clear that the zoning regulations allow a kennel in any RC 2 zone as a use permitted by special exception. It is equally as clear that the proposed use would not be detrimental to the primary agricultural uses in the vicinity



Case No. 84-54-X                      S/S Brandy Springs Rd., 60' W of the c/l of  
Item No. 255                      Masemore Rd. & N/S of Mt. Carmel Rd., 430'  
Date: September 22, 1983      E of c/l of Sunswept Lane - 7th District  
Glen L. Durst, et ux - Petitioners

- 
- x   1.      Copy of Petition
- x   2.      Copy of Description of Property
- x   3.      Copy of Certificate of Posting (2 signs)
- x   4.      Copy of Certificates of Publication
- x   5.      Copy of Zoning Advisory Committee Comments
- x   6.      Copy of Comments from the Director of Planning
7.      Planning Board Comments and Accompanying Map
- x   8.      Copy of Order to Enter Appearance
- x   9.      Copy of Order - Zoning/Deputy Zoning Commissioner
- x   10.     Copy of Plat of Property
11.     200' Scale Location Plan
12.     1000' Scale Location Plan
13.     Memorandum in Support of Petition
14.     Letter(s) from Protestant(s)
15.     Letter(s) from Petitioner(s)
- x   16.     Protestants' Exhibits   1   to   2
- x   17.     Petitioners' Exhibits   1   to  10
- x   18.     Letter of Appeal (2 appeals)

Glen L. Durst, et ux  
1201 Brandy Springs Road  
Parkton, Maryland 21120

Petitioners

Mrs. Reita L. Erler  
16938 Flickerwood Road  
Parkton, Maryland 21120

Protestant

Ms. Maxine B. Myers  
1310 Mt. Carmel Road  
Parkton, Maryland 21120

Protestant

Mr. Charles Donald Mays  
1411 Mt. Carmel Road  
Parkton, Maryland 21120

Protestant

Mr. Tim Timber  
17008 Sunswept Lane  
Parkton, Maryland 21120

Protestant

Mrs. Elizabeth A. Wirtz  
17002 Sunswept Lane  
Parkton, Maryland 21120

Protestant

John W. Hessian, III, Esquire  
Norman E. Gerber, James Hoswell  
Arnold Jablon, Jean M. H. Jung and  
James E. Dyer

People's Counsel  
Request, Notification

Case No. 84-54-X

Item No. 255

Date: September 22, 1983

S/S Brandy Springs Rd., 60' W of the c/l of  
Masemore Rd. & N/S of Mt. Carmel Rd., 430'  
E of c/l of Sunswept Lane - 7th District  
Glen L. Durst, et ux - Petitioners

SE--Private Breeding Kennel

- ☒ 1. Copy of Petition
- ☒ 2. Copy of Description of Property
- ☒ 3. Copy of Certificate of Posting (2 signs)
- ☒ 4. Copy of Certificates of Publication
- ☒ 5. Copy of Zoning Advisory Committee Comments
- ☒ 6. Copy of Comments from the Director of Planning
7. Planning Board Comments and Accompanying Map
- ☒ 8. Copy of Order to Enter Appearance
- ☒ 9. Copy of Order - Zoning/~~XXXXXXXXXXXX~~ Commissioner -8/23/83,  
GRANTED w/restrictions
- ☒ 10. Copy of Plat of Property
11. 200' Scale Location Plan
12. 1000' Scale Location Plan
13. Memorandum in Support of Petition
14. Letter(s) from Protestant(s)
15. Letter(s) from Petitioner(s)
- ☒ 16. Protestants' Exhibits 1 to 2
- ☒ 17. Petitioners' Exhibits 1 to 10
- ☒ 18. Letter of Appeal (2 appeals) -9/22/83 by Protestants, neighbors;  
9/22/83 by J. Hessian, Esq., Peoples' Counsel
- Glen L. Durst, et ux  
1201 Brandy Springs Road  
Parkton, Maryland 21120  
Petitioners
- Mrs. Reita L. Erler & Edward, Jr. Protestant  
16938 Flickerwood Road  
Parkton, Maryland 21120
- Ms. Maxine B. Myers Protestant  
1310 Mt. Carmel Road  
Parkton, Maryland 21120
- \* Mr. Charles Donald Mays Protestant  
1411 Mt. Carmel Road  
Parkton, Maryland 21120
- Mr. Tim Timber Protestant  
17008 Sunswept Lane  
Parkton, Maryland 21120
- Mrs. Elizabeth A. Wirtz Protestant  
17002 Sunswept Lane  
Parkton, Maryland 21120
- \* John W. Hessian, III, Esquire People's Counsel  
Norman E. Gerber, James Hoswell Request, Notification  
Arnold Jablon, Jean M. H. Jung and  
James E. Dyer

84-573

5/15/84

8

File  
Case File

March 13, 1984

Dr. Rebecca C. Tansil  
Sunswept Lane  
Parkton, Maryland 21120

RE: Case No. 84-54-X  
Glen L. Durst, et ux,  
Petitioners

Dear Dr. Tansil:

I am in receipt of your letter dated March 1, 1984 and can understand your concerns. However, the decision to grant the special exception for the kennel was rendered after a public hearing before the Zoning Commissioner, who was sitting in his judicial capacity. Attached to your letter you had a copy of his decision, but without its last page delineating the restrictions to be imposed upon the Petitioner. I attach a copy for your information.

As you note, this decision was appealed to the County Board of Appeals for Baltimore County, where another public hearing was held. A decision by the Board to reverse, modify, or uphold the Commissioner's decision should be forthcoming. Like the Zoning Commissioner, the Board is a quasi-judicial body which takes testimony, hears evidence, and is bound by the law. If you are right in your objections, I am sure the Board would reverse the Commissioner's decision, thereby preventing the kennel from being constructed. Regardless of the Board's decision, an appeal may be taken to the Circuit Court for Baltimore County.

The Zoning Commissioner's rationale for initially granting the kennel can be found in his decision and, although you disagree, the bases for that decision were founded in the testimony and evidence presented to him at the hearing. He heard the testimony of the protestants and obviously recognized their concerns as can be discerned from the number of restrictions.

Hopefully, your concerns will be addressed by the Board of Appeals to your satisfaction.

Sincerely,

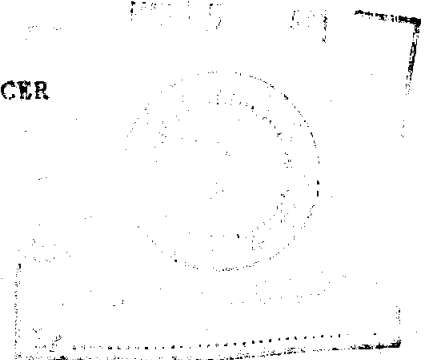
B. MELVIN COLE

B. Melvin Cole  
ADMINISTRATIVE OFFICER

BMC:AJkb

Attachment

✓cc: Arnold Jablon, Zoning Commissioner





## BALTIMORE COUNTY

TRANSMITTAL  
MEMO

TO	
B. Melvin Cole, Administrative Officer	
FROM	DATE
Arnold Jablon, Zoning Commissioner	3/9/84
SUBJECT	
Kennel Permit	

Correspondence Dated March 6, 1984

XX

Dr. Rebecca Tansil

RE: Case No. 84-54-X  
Glen L. Durst, et ux,  
Petitioners

Dear Dr. Tansil:

I am in receipt of your letter dated March 1, 1984 and can understand your concerns. However, the decision to grant the special exception for the kennel was rendered after a public hearing before the Zoning Commissioner who was sitting in his judicial capacity. Attached to your letter, you had a copy of his decision but without its last page delineating the restrictions to be imposed upon the Petitioner. I attach a copy for your information.

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The Zoning Commissioner's rationale for initially granting the kennel can be found in his decision, and although you disagree, the bases for that decision were founded in the testimony and evidence presented to him at the hearing. He heard the testimony of the Protestants and obviously recognized their concerns as can be discerned from the number of restrictions.

Hopefully, your concerns will be addressed by the Board of Appeals to your satisfaction.

Sincerely,

*MELVIN COLE*

BMC/AJ/srl

B. MELVIN COLE  
Administrative Officer

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

184-490

TO \_\_\_\_\_ Arnold Jablon  
Zoning Commissioner

FROM \_\_\_\_\_ B. Melvin Cole

SUBJECT \_\_\_\_\_ Kennel Permit

Date \_\_\_\_\_ March 6, 1984

I received the attached package of materials from Dr. Rebecca Tansil, a fine lady who has a great affection and concern for animals, particularly dogs.

It is obvious that she is very concerned about some action which we have taken to permit the establishment of a kennel devoted to the breeding of Chow dogs somewhere in or near the Gunpowder Park area.

When you have an opportunity, will you give me some type of response which I might make to Dr. Tansil to support the action which we have taken?

B. Melvin Cole  
ADMINISTRATIVE OFFICER

BMC:cr  
Attachment

MICROFILMED



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

September 27, 1983

Mr. & Mrs. Glen L. Durst  
1201 Brandy Springs Road  
Parkton, Maryland 21120

Re: Petition for Special Exception  
S/S Brandy Springs Rd., 60' W of the c/l of  
Masemore Rd. & N/S of Mt. Carmel Rd.,  
430' E of the c/l of Sunswept Lane  
Glen L. Durst, et ux - Petitioners  
Case No. 84-54-X

Dear Mr. & Mrs. Durst:

Please be advised that the following two appeals have been filed from the decision rendered by the Zoning Commissioner of Baltimore County in the above referenced matter:

- 1) Appeal from John W. Hessian, III, Esquire, People's Counsel of Baltimore County
- 2) Appeal from Reita L. Erler, et al, Protestants

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Very truly yours,

Arnold Jablon  
Zoning Commissioner

AJ:aj

cc: Ms. Maxine B. Myers  
1310 Mt. Carmel Road  
Parkton, Maryland 21120

Mr. Charles Donald Mays  
1411 Mt. Carmel Road  
Parkton, Maryland 21120

Mr. Tim Timber  
17008 Sunswept Lane  
Parkton, Maryland 21120

Ms. Elizabeth A. Wirtz  
17002 Sunswept Lane  
Parkton, Maryland 21120

To HACKETT  
 Date 5/4/84 Time 9 PM A.M. ☐ P.M. ☐  
**WHILE YOU WERE OUT**  
 M MRS. DURST  
 of \_\_\_\_\_  
 Phone 343-0616  
 Area Code Number Extension  

TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CALLED TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	<b>URGENT</b>	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>		

Sent to our office by Doug Swam of  
 Message Zoning Board's Order needs correction  
 and he told her it could be done inasmuch  
 it is still in the 30 period. In restriction  
 you state building should be 28 x 80 per  
 plat submitted as Pet. Exh. #1. She said  
 this should be 28 x 90 and that it was OK  
 by Zoning to make this change. I told her  
 I would call this to your attention next  
 Operator

week as you were out of town for the week-  
 end. However, I pointed out to her that  
 Exhibit #1 showed the building to be as you  
 stated in your restriction (28 x 80) and I  
 asked her why her surveyor didn't change  
 the plat on presenting it to the Board. She  
 didn't know why.

She stopped by the second time and said  
 that she had been over to Zoning again and  
 that both Dyer and Swam told her to request  
 that you talk to them about this matter  
 before making your decision.

ETE

*5/4/84 Per WTH  
 Not going to change  
 order. Told Dyer to  
 relay to D. Swam who  
 was talking to Mrs  
 Durst.*

HX2

LITHO U.S.A.



# PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										

Reviewed by: WOL

Revised Plans:

Change in outline or description        Yes  
       No

Previous case: 77-163A

Map\* #                     

*Item #255*

8/17/83

(including dog)

84-54-X

Pets, ~~protestants~~ Maxine Meyers, Rita Eller

Mr & Mrs Durst

Mr & Mrs Durst - own pup 15 yrs - raised & held  
+ had pets - (a) went into pet care - bought 45 acres -  
operated pet care of 11 yrs - employ 4 or 5 people - can't  
build anywhere else on prop because remainder of  
prop won't sink - only where proposed location -  
spring divides property - not advised that should  
separate breeding kennel from existing kennel - proposed  
office, board & breed dogs - kitchen area, training  
room - isolation area - holding kennel - completely  
covered, insulated - outside runs, sliding glass  
doors all around - runs - no heat - 10 or 12  
puppies at time, w/ 20-30 adult - no additional  
trapper, as no daily clients - 2 story in front -  
B bldg, will have heat - 3 people <sup>employed</sup> for  
personal site - 2 people living on access road  
+ both in favor - not commercial - both homes  
owned by Pet on access road - Pet will leave

~~Maxine Meyers~~ ~~protestant~~ to wear sterile clothes -

II Mrs Durst - reason for isolation is due to introduction of  
germs when breeds mixed - due to street carried  
virus' - airborne virus' which can't be prevented -  
kennel - raise & sell - values of dogs between \$500-\$1500  
as show dogs - \$300-\$800 as pet - puppies die due  
to virus' & to prevent would require isolation -

of the proposed kennel. Therefore, the issue to be decided is whether the conditions of Section 502.1, BCZR, are met by the Petitioners.

After reviewing all of the testimony and evidence presented, it appears that the special exception as applied for by the Petitioners should be granted, with certain restrictions as will be more fully set forth later.

There is, of course, a strong presumption of the correctness of original zoning and of comprehensive zoning. See Howard County v. Dorsey, 438 A 2d 1339 (1982). There is a presumption of validity that must be accepted. See Johnson & Wales College v. DiPiete, R.I., 448 A 2d 1271 (1982). The County Council has seen it necessary to legislate the permitted uses, either as a matter of right or as one by special exception, in particular zones in the County, and one of those uses permitted by special exception in a RC 2 zone is the right to have a kennel. In interpreting the zoning ordinance provisions, the restrictive language contained must be strictly construed so as to allow the landowner the least restrictive use of his property. Lake Adventure, Inc. v. Zoning Hearing Bd of Dingman Township, Pa Cmwlt, 440 A 2d 1284 (1982).

When the language of a zoning ordinance is clear and certain, there is nothing left for interpretation and the ordinance must be interpreted literally.

Mongony v. Bevilacqua, R.I., 432 A 2d 661 (1981).

Kennels, dogs and noise go hand in glove; one cannot be without the other. When the Council permitted kennels by special exception in RC 2 zones, it would seem obvious that it took cognizance of this factor. Noise is a natural extension of a kennel. Therefore, if noise alone were to defeat a special exception for a kennel, it would seem that such resulting noise would have to be unusual as measured against the average level of noise emanating from a kennel.

The Petitioners say no unusual noise would result. They are experts.

(2)

never be a boarding kennel - private breeding isolation  
kennel -

I Rita Ellis - near dogs all night -  $1\frac{1}{2}$  lived in area -  $1\frac{1}{2}$  ass,  
+ larger - houses \$135,000 + valued - doesn't want  
another kennel

II Mrs Myers - houses on Mt Carmel Rd - doesn't want another  
kennel - either commercial or semi-commercial dog  
population - lived 22 yrs -

III Elizabeth Wertz - 25 yrs lived - don't want any more kennels -  
public nuisance as to noise factor -

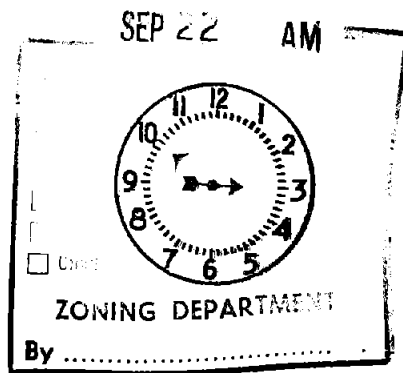
IV Tim Timber -  $4\frac{1}{2}$  - value of houses affected by kennel  
in neighborhood (good for kennel) - 2 kennels nearby  
will make value of home decrease -

---

closing -



X Blanche A. Jossil 17003 Seaside Dr.  
Maryellen Gray 1219 Mt. Carmel Rd. Parkton, Md. 21120  
Elizabeth A. Wirtz 17002 Seaside Lane, Parkton, Md. 21120  
Margie W. Humphlett 1320 Mt. Carmel Rd. Parkton, Md. 21120  
H. D. Humphlett 1320 Mt. Carmel Rd. Parkton, Md. 21120  
D. Humphlett " " " " " " 21120



Sept. 20, 1983

We wish to appeal zoning case #84-54-X, Glen. L. Durst petitioner

for a private breeding kennel and the granting of Special Exception

for same.

*Charles H. Huh*  
16940 FLICKERWOOD RD  
PARKTON MD 21120

*Edward P. Erler*  
16938 Flickerwood Rd.  
*Rita L. Erler*

357-5269  
662-0167

*Jeffrey Thomas Sutton*  
1317 Mt. Carmel Rd.  
Parkton Md. 21120

*Philip C. Boardoff*  
16924 Flickerwood Rd.  
*Virginia Boardoff*

*Donald May* - 357-4259  
14117 Mt Carmel Rd. 21120

*John E. Insor*  
*Betty Lantinsen*  
1409 Mt. Carmel Rd.  
Parkton, Md. 21120

*Josyline Kresge*  
*Barney Thompson*  
*Pamela Robb*  
1221 Mt. Carmel Rd  
Parkton, Md. 21120

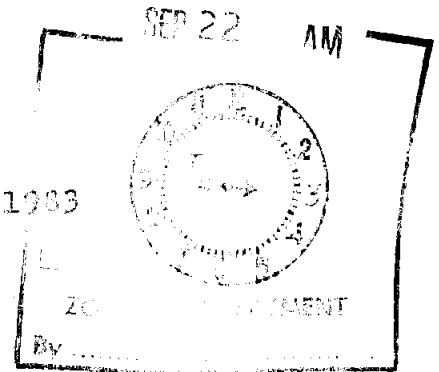
*Wanda M. Dunther*  
16923 Flickerwood Rd  
Parkton, Md 21120

*Hilda C. Dixon*  
1405 Mt Carmel Rd  
Parkton, Md 21120

*Katherine M. Kelleher*  
1321 Mt Carmel Rd  
Parkton Md - 21120

*Hany M. Shon*  
1405 Mt. Carmel Rd.  
Parkton, Md. 21120

Sept. 20, 1983



We wish to appeal zoning case #84-54-X, Glen. L. Durst petitioner

for a private breeding kennel and the granting of Special Exception

for same.

Donna H. Ennor  
Joseph W. Ennor 1307 Mt. Carmel Rd. Parkton, Md. 21120  
Estelle M. Hanna 1304 Mt. Carmel Rd. Parkton Md. 21120  
Juli A. Sutton 1317 Mt. Carmel Rd. Parkton MD 21120  
Robert E. Luviguer 1318 Mt. Carmel Rd. Parkton, Md. 21120  
Helen McComas 1300 Mt. Carmel Rd. Parkton, Md. 21120  
Marilyn B. Myers 1310 Mt Carmel Rd Parkton, Md 21120

23-1760  
AG-269

AUG 4 83 AM

8/4/83

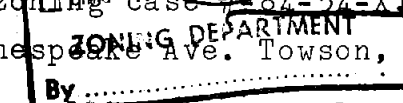
col

August 2, 1983

Dear Mr. Jablon,

GLEN L. DURST, *stux*

In reference to zoning case 4-84-54-X hearing August 17, 1983, in room 106, 111 W. Chesapeake Ave. Towson, Md. 21204, for a kennel.



We protest the kennel because we already have two kennels in our neighborhood which we feel are destroying the peace and tranquility of our neighborhood with the barking of many dogs. Sometimes this goes on all night long and certainly will depreciate the value of our property.

It is not fair to have another kennel even closer to us than the two we already have and the following signatures are all opposed to this proposal.

Wayne Mellett  
1415 Mt. Carmel Rd.

Charles R. M. M. M.

Catherine Thrich  
1322 Mt. Carmel Rd.  
Parkton, Md. 21120

Janet L. Gardner  
1400 Mt. Carmel Road  
Parkton, MD 21120

Tim Tucker  
1700 8 Sunnyside Lane  
Parkton MD 21120

Denise Donaldson  
1314 Mt. Carmel Rd.  
Parkton, Md. 21120

Ruth Ann Robertson  
1106 Mt. Carmel Rd.  
Parkton, Md. 21120

D. Keith Whitcomb  
1112 Mt. Carmel Rd.  
Parkton, Md. 21120

Rachel Mc Comas  
Hyles R. Mc Comas  
1300 Mt. Carmel Road  
Parkton, Md. 21120

Calvin L. B. Lucher  
Ellen Blucher  
1301 Mt. Carmel Rd.  
Parkton, Md. 21120

Joseph W. Enzor  
Donna H. Enzor  
1307 Mt. Carmel Rd.  
Parkton, Md. 21120

Estelle Hanna  
1309 Mt. Carmel Rd.  
Parkton Md. 21120

Robert E. Leisinger  
1318 Mt. Carmel Road  
Parkton, Maryland 21120

Maxine B. Myers  
1310 Mt. Carmel Rd.  
Parkton Md. 21120



August 1, 1983 1:53 AM

Dear Mr. Jablon,

In reference to zoning case #-84-54-X, hearing August 17, 1983, in room 106, 111 W. Chesapeake Ave. Towson, Md. 21204, for a kennel.

We protest the kennel because we already have two kennels in our neighborhood which we feel are destroying the peace and tranquility of our neighborhood with the barking of many dogs. Sometimes this goes on all night long and certainly will depreciate the value of our property.

It is not fair to have another kennel even closer to us than the two we already have and the following signatures are all opposed to this proposal.

Edward P. + Paula J. Eiler 16938 Flickerwood Rd.

Charles H + Mary E Hah 16940 FLICKERWOOD

Virginia Deardoff 16924 Flickerwood Rd

Philip C Deardoff, Pres. Flickerwood Estates, Inc.

Katherine Mallette 1321 Mt Carmel Rd Parkton Md

Shawn M Mallette 1321 Mt Carmel Rd Parkton Md

Brian D Mallette 1321 Mt Carmel Rd Parkton Md

Nancy Stockdale 16937 Flickerwood Rd Parkton Md

Jeffrey Thomas Sutton 1317 Mt. Carmel Rd. Parkton Md.

# PETITIONER'S EXHIBIT 2

Aug 12 1983

We the undersigned have no objections whatever to Mr. and Mrs. Hurst building a private breeding kennel. There present boarding kennel is within sight and few hearing distances of our property, and there is no excessive noise and no odor from that kennel. We understand the necessity for an isolation kennel and have no objection to such.

Name

Address

1 Ray Stevens	1203 Brandy Springs Rd
2 Donald Chaney	1202 Brandy Springs Rd.
3 Nancy Chaney	1202 Brandy Springs Rd.
4 Cathy Goodson	1205 Brandy Springs Rd.
5 Timothy Goodson	1205 Brandy Springs Rd.
6 Anna Smith	17106 Masemore Rd.
7 Raymond Smith	17106 Masemore Rd.
8 Joyce Carlson	1120 Mt Carmel Rd.
9 Lewi Carlstrom	1120 MT. Carmel Rd.
10 Darryl W. Mentzer	1104 MT CARMEL RD
11 Anita E. Mentzer	1104 Mt. Carmel Rd.
12 Katherine Becker	1207 Brandy Springs Rd.
13 Wm. L. Becker, Jr.	1207 Brandy Springs Rd.
14 John D. Foster	17201 Masemore Rd
15 Hermelia Foster	17201 Masemore Rd.
16 Emily Williams	17112 Masemore Rd.
17 Olla Williams	17112 Masemore Rd.
18 Beverly Stetzel	17114 Masemore Rd.
19 Carolyn Werlein	1308 Mt Carmel Rd
20 Robert A. Werlein	1308 MT CARMEL RD.
21 Susan G. Eller	1314-A2 Mt. Carmel Rd.
22 Penny Rudgeley	" " " "
23 Sandra Comer	1314 Mt Carmel Rd
24 Elaine Squibbo	1316 Mt Carmel Rd
25 Don Quirk	" " " "
26 Mary Ann	1316 Mt. Carmel Rd.
27 St. Francis	1208 Brandy Springs 2/120
28 Mary Francis	" " " "

2

Aug 12, 1983

The undersigned have no objections whatever to Mr. & Mrs. Hurst building a private breeding kennel. Their present boarding kennel is within sight and - or hearing distance of our property, and there is no excessive noise, and no odor from that kennel. We understand the necessity for an isolation kennel and have no objection to such.

Name

Address

29 George Kron	1512 Mt. Carmel Rd.
30 Allison Kron	1512 Mt. Carmel Rd.
31 Glenn Kubinski	1417 Mt. Carmel Rd.
32 Frank Walter Kubinski Jr	1417 Mt. Carmel Rd.
33 Ingrid Buttm	Mt. Carmel Rd.
34 John C. Mayo	1206 Brandy Spring Rd.
35 John E. Mayo	1206 Brandy Spring Rd.
36 Donald A. Scholtz	17202 Masenore Rd.
37 Shirley A. Scholtz	17202 Masenore Rd.
38 Diane May Turbaugh	17204 Masenore Road
39 Todd Wakeheim	17119 Evna Rd.
40 Earl W. W. W.	1719 Evna Rd.
41	
42	
43	
44	
45	

14 Chow

ANIMAL FACILITIES INSPECTION

Baltimore County Bureau of Animal Control  
Towson, MD 21204  
494-3600, 494-3601

FACILITIES INSPECTION REPORT

PETITIONER'S  
EXHIBIT

HEREFORD COUNTRY CLUB FOR PETS  
Name of Establishment

381-6167  
Telephone

10/4 3  
District

Box 252-B MASEMORE RD, PARKTON Md.  
Address

21120  
Zip Code

Owner GLENN L. + BARBARA DURST

Manager Same

Veterinarian DR. ROBT. SPARTALL

Address Same

Animals kept on premises: DOGS 35 CATS — BIRD — HAMSTERS — GERBILS —  
MICE — GUINEA PIGS — FISH — WILDLIFE ~~MT~~ Other —

General condition of animals: (Note of presence of ticks, running eyes, diarrhea, sneezing, etc.) (X) Satisfactory ( ) Unsatisfactory

Comment on conditions Kennel facility very clean and well maintained, dogs in good health

Adequate pens and space for animals? (X) yes ( ) no  
Is there adequate, available food, water & bedding: (X) yes ( ) no  
Odors under control? (X) yes ( ) no Noise under control? (X) yes ( ) no  
Animal food stored and handled properly? (X) yes ( ) no  
Facilities inside, clean (X) yes ( ) no outside clean (X) yes ( ) no  
Properly covered refuse containers? (X) yes ( ) no  
Adequate number? (X) yes ( ) no  
Are health certificates given with sale of dogs, cats or monkeys? (X) yes ( ) no

LICENSE INFORMATION

Md. Traders License Displayed  
# N/A

( ) yes (X) no

Baltimore County Facilities  
# # 23

(X) yes ( ) no

Md. State Psittacine Bird License  
# N/A

( ) yes (X) no

Signature of owner or manager

Barbara P. Durst

Animal Control Warden

David Price

Date 10/31/78

(8/18/77)

# Dogs barking

Sept. 20/1984 - Before Daylight

21/1984 - Evening

22 '84 - Early morning

23 - Early morning

23 Early Evening

24- 6.30 A.M.

25- 3.30 A.M.

25- 6.30 A.M.

25- 8.30 A.M.

25- 10.45 P.M.

26- 2.45 A.M. Continued on

26- 6.32 A.M.

26- 8.24 A.M.

27- 7.30 P.M.

27- 9.15 P.M.

28- 5.32 A.M.

28- 6.30 A.M.

29- 10.30 P.M.

29- 11.30 P.M.

~~30~~- 6.30 A.M.

30- 8.15 A.M.

30- 10.00 P.M.

The opinions or conclusions of witnesses must be measured by the soundness of their underlying reasons or facts. Surkovich v. Doub, 265 A 2d 447 (1970). The explanation provided by the Petitioners as a basis for their opinion is both substantial and strong. See Coppolino v. County Bd of Appeals of Baltimore County, 328 A 2d 55 (1974). The Petitioners are convincing.

"The special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore valid. The special exception use is a valid zoning mechanism that delegates ... a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating the presumption. The duties given ... are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan." Schultz v. Pritts, 432 A 2d 1319 (1981).

The Petitioners have the burden of adducing testimony which will show that the proposed kennel meets the prescribed standards and requirements as set forth in Section 502.1. The Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances of this matter do not show that the proposed kennel at the particular location proposed for its use by the Petitioners would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. See Schultz, supra.

The proposed kennel will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the

COPIES RECEIVED FOR FILING

DATE August 23, 1983

BY

Mary Campagne (Clerk)

ADMINISTRATIVE ASSISTANT

Oct. 1984 - 10/6 -	6.45 A.M
10/7 -	6.45 P.M
10/8 -	7.50 A.M
10/9 -	7.20 A.M
10/9 -	7.57 - A.M
10/9 -	4.35 - P.M
10/10 -	4.55 - P.M
10/10 -	11. P.M -
10/15	10.00 P.M
10/16 -	5.14 - A.M
10/16 -	7.30 - A.M

P.C. Exhibit  
#2



# PETITIONER'S

DR. W. ROBERT SHORTALL  
PADONIA VETERINARY HOSPITAL  
382 YORK ROAD  
COCKEYSVILLE, MARYLAND 21030  
Telephone 666-7878

9  
8/11/83

Mr & Mrs Glen Bunt have been raising and showing champion Chow dogs for approximately 10-11 years out of The Hereford County Club for Pets.

They have had great success at producing champions - as many as 8 in 1 year. This is almost unheard of in dog breeding for 1 kennel to produce that number of champions in that span of time.

However, They have had some disastrous years in the last 4 years attempting to raise puppies at the boarding kennel. I am sure that they have lost at least 30 pups due to disease directly related to the boarding kennel and transmission of disease from the boarding kennel by

DR. W. ROBERT SHORTALL  
PADONIA VETERINARY HOSPITAL  
9827 YORK ROAD  
COCKEYSVILLE, MARYLAND 21030  
Telephone 666-7878

boarding kennel personnel. This kind of loss has a tremendous economic and emotional impact on a breeding kennel. The value of the pups generally run \$300 to \$500 for an average pup and even higher for good show quality dogs.

It would be in their and their breeding clubs best interest to be as far removed from the boarding kennel as possible so as to avoid transmission of air borne diseases and to avoid kennel personnel from working in the area of the newborn pups.

The Dinsts maintain a very well run and clean kennel, but raising pups is like raising new born children in a sense. The area they

DR. W. ROBERT SHORTALL  
PADONIA VETERINARY HOSPITAL  
9827 YORK ROAD  
COCKEYSVILLE, MARYLAND 21030  
Telephone 666-7878

and in has to be isolated from  
other dogs and as aseptic as  
possible. The Quists have maintained  
The aseptic aspect as much as  
humanely possible. The isolation  
aspect can only be achieved by  
removing The breeding dogs from  
The boarding kennel area, as far  
as possible.

Sincerely  
Dr. W. Robert Shortall

DR. W. ROBERT SHORTALL  
PADONIA VETERINARY HOSPITAL  
9827 YORK ROAD  
COCKEYSVILLE, MARYLAND 21030



Joseph Priestley  
USA 20c

Mr & Mrs Allen Dunt  
Hereford County Club for Pets  
Masemore Rd.  
Hereford, Md.  
21111 21120  
Postage paid

# PROTESTANT'S EXHIBIT

August 1983

Dear Mr. Jablon,

In reference to zoning case #-84-54-X, hearing August 17, 1983, in room 106, 111 W. Chesapeake Ave. Towson, Md. 21204, for a kennel.

We protest the kennel because we already have two kennels in our neighborhood which we feel are destroying the peace and tranquility of our neighborhood with the barking of many dogs. Sometimes this goes on all night long and certainly will depreciate the value of our property.

It is not fair to have another kennel even closer to us than the two we already have and the following signatures are all opposed to this proposal.

Wayne Mellett  
1415 Mt. Carmel Rd.

Charles R. H. West

Catherine Hirsch  
1322 Mt. Carmel Rd.  
Parkton, Md. 21120

Janet L. Gardner  
1400 Mt. Carmel Road  
Parkton, MD 21120

Tom Timber  
1700 8 Sun swept Lane  
Parkton MD 21120

Jennie Donaldson  
1314 Mt. Carmel Rd.  
Parkton, Md. 21120

Reeth Ann Robertson  
1106 Mt. Carmel Rd.  
Parkton, Md. 21120

D. Keith Whitcomb  
1112 Mt. Carmel Rd.

Rachel Mc Comas  
Hyles R. Mc Comas  
1300 Mt. Carmel Road  
Parkton, Md. 21120

Calvin L. Blucher  
Ellen Blucher  
1301 Mt. Carmel Rd.  
Parkton, Md. 21120

Joseph W. Enser  
Donna H. Enser  
1307 Mt. Carmel Rd.  
Parkton, Md 21120

Estelle Hanna  
1309 Mt. Carmel Rd.  
Parkton Md. 21120

Robert E. Leisinger  
1318 Mt. Carmel Road  
Parkton, Maryland 21120

Marlene B. Myers  
1310 Mt. Carmel Rd.

August 1, 1983

Dear Mr. Jablon,

In reference to zoning case #-84-54-X, hearing August 17, 1983, in room 106, 111 W. Chesapeake Ave. Towson, Md. 21204, for a kennel.

We protest the kennel because we already have two kennels in our neighborhood which we feel are destroying the peace and tranquility of our neighborhood with the barking of many dogs. Sometimes this goes on all night long and certainly will depreciate the value of our property.

It is not fair to have another kennel even closer to us than the two we already have and the following signatures are all opposed to this proposal.

Edward P. + Rita J. Eiler 16938 Flickerwood Rd.

Charles H + Mary E Hah 16940 FLICKERWOOD RD

Virginia Beardsoff 16924 Flickerwood Rd

Philip C Beardsoff, Pres. Flickerwood Estates, Inc.

Katherine Kallotte 1321 Mt Carmel Rd Parkton Md

Shawn K Kallotte 1321 Mt Carmel Rd Parkton Md

Brenda Kallotte 1321 Mt Carmel Rd Parkton Md

Mary Stockdale 16937 Flickerwood Rd Parkton Md

Mary Thomas Sutton

1317 Mt. Carmel Rd. Parkton Md.

\* Reita L. Erler 16938 Flickerwood Rd. 21120

\* Maxine B. Myers 1310 Mt Carmel Rd Parkton 21120

Joseph W. Censor 1307 Mt. Carmel Rd. Parkton 21120

Shirley M. Whitelurst 1112 Mt. Carmel Rd. Parkton, 21120

\* Charles Donald Myers 1411 Mt. Carmel Rd. Parkton 21120

Edward P. Erler Sr. 16938 Flickerwood Rd. 21120

Donald W. Wirtz 17002 Samsuept Lane Parkton Md. 21120

Julie Sutton 1317 Mt. Carmel Rd Parkton MD 21120

\* Tim Tucker 17008 Samsuept La Parkton MD 21120

\* Elizabeth A. Wirtz 17002 Samsuept Lane Parkton, Md. 21120

PROTESTANT'S  
EXHIBIT 2

Durst

PROTESTANTS

Name

Address

Maxine B. Myers

1310 Mt-Carmel Rd 21120

✓ Cynthia McCullough

17008 Sunswept Lane 21120

EDWARD P. ERLER SR.

16938 Flickerwood Rd. 21120

✓ Rita L. Erler

16938 Flickerwood Rd 21120

Virginia Wardoff

16938 Flickerwood Rd 21120

Reverend. Tavis

17003 Sunswept Lane

Charles LeBoutillier

2711 Old Court Rd Parkton Md 21120

~~Donald J. Erler~~

Brooklandville Md

HARRY M. THRON

1405 MT CARMEL RD 21120

had to live

Joseph W. Ensor

1307 Mt. Carmel Rd. 21120

✓ Frederick H. Jenthu

16933 Flickerwood Rd 21120

Donald W. Wertz

17002 Sunswept Lane 21120

had to live

Donna H. Ensor

1307 Mt. Carmel Rd 21120



property's zoning classification nor in any other way inconsistent with the spirit and intent of the zoning regulations.

The proposed kennel shall not have an adverse effect above and beyond that ordinarily associated with kennels, a use designated as a special exception.

No testimony was presented by the Protestants that property values will decrease if the special exception was to be granted, only that the values will not increase as much or as quickly as they would like. However, nothing was presented that would substantiate this conclusion. Testimony was also presented notwithstanding the existence of the Petitioners' boarding kennel that property values in the area had continued to increase and that values remained high. One Protestant testified that the values of homes in her neighborhood ranged from \$135,000.00 to \$200,000.00. The area so described is within "barking" distance of the Petitioners' existing kennel.

The Protestants are opposed to noise, and especially opposed to more noise that they perceive emanating from the proposed kennel. The Petitioners argue that there will be none. If there is, they state, and if the neighbors are bothered, the Petitioners are willing to work with them to alleviate the problem.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirement of Section 502.1 of the Baltimore County Zoning Regulations having been met and the health, safety and general welfare of the community not being adversely affected, the special exception should be granted.

ORIGINAL FILED FOR FILING

DATE August 23, 1983

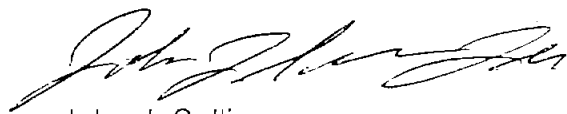
BY Mary Campagna (Clerk)

ASSISTANT CLERK

Page 2  
December 12, 2002  
Jennifer R. Busse, Esquire

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need any further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Sullivan". The signature is fluid and cursive, with the first name "John" being the most prominent part.

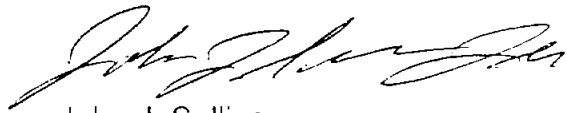
John J. Sullivan  
Planner II  
Zoning Review

cc Case #84-173-X File  
Case #89-380-SPH FILE  
Letter File

Page 2  
December 12, 2002  
Jennifer R. Busse, Esquire

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Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Sullivan". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

John J. Sullivan  
Planner II  
Zoning Review

cc Case #84-173-X File  
Case #89-380-SPH FILE  
Letter File

EX. BLDG. #7

EX. BLDG. #6

DRIVEWAY

EX. LANDSCAPED ISLAND

EX. MACADAM DRIVE

EX. MACADAM DRIVE

55' MINIMUM BUILDING SETBACK LINE

EX. LIBRARY BLDG. #1

EX. BLDG. #2

EX. BLDG. #3

EX. BLDG. #5

70' (MIN.)

PROPOSED  
75'± X 130'±  
MULTI-PURPOSE BUILDING  
WITH ADMINISTRATIVE OFFICES  
(1 STORY BUILDING W/ BASEMENT 35' HEIGHT MAX.)

50' (MIN.)

R = 112.00'

L = 140.66'

R = 78.00'  
L = 61.46'

35' MINIMUM BUILDING SETBACK LINE

N 18°23'51"W  
86.68'

EX. MACADAM SERVICE ROAD

GREENSPRING VALLEY

ATTENTION: DRIVE OF OFFICE

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 23rd day of August, 1983, that the Petition for Special Exception for a kennel in accordance with the site plan as introduced and accepted into evidence as Petitioners' Exhibit 10, and more fully described in Petitioners' Exhibits 7 and 8, is hereby granted, from and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioners may apply for the building permit and be granted same upon receipt of the Order; however, Petitioners are hereby made aware that their proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
2. The Special Exception is hereby limited now and at any time in the future to the breeding, raising and caring for Chow dogs, and as indicated above, there shall not be permitted any other breed of dog or any other type or kind of animal in said kennel; in addition, there shall be no boarding of any dog or animal owned by others;
3. The special exception is limited to allowing no more than 15 puppies and no more than 40 adult Chow dogs at any one time;
4. The Petitioners are hereby required to totally enclose the proposed kennel, with sliding glass partitions located around the dog runs which shall be open for the express purpose only of allowing air to circulate, and said partitions shall be closed if there is any noise emanating from said kennel;
5. The Petitioners are hereby required to insulate and soundproof to the degree possible the proposed kennel;
6. The Petitioners are hereby required to provide appropriate landscaping surrounding the kennel that will reduce if not eliminate any possible noise escaping from the kennel; with the type and kind at the discretion of the Petitioners.
7. The special exception herein granted shall be as a "private breeding" kennel as opposed to a "boarding" kennel.

  
\_\_\_\_\_  
Zoning Commissioner of  
Baltimore County

ORIGINAL RECEIVED FOR FILING

DATE August 23, 1983

BY

Mary Campagne (Clerk)

ADMINISTRATIVE ASSISTANT



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

August 23, 1983

Mr. and Mrs. Glen L. Durst  
1201 Brandy Springs Road  
Parkton, Maryland 21120

RE: Petition for Special Exception  
S/S of Brandy Springs Rd., 60' W of the  
center line of Masemore Rd. and the N/S  
of Mt. Carmel Rd., 430' E of the center  
line of Sunswept Lane - 7th Election  
District  
Glen L. Durst, et ux - Petitioners  
84-54-X (Item No. 255)

Dear Mr. and Mrs. Durst:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

  
ARNOLD JABLON  
Zoning Commissioner

AJ

Attachments

cc: Ms. Reita L. Erler  
16938 Flickerwood Road  
Parkton, Maryland 21120

Ms. Maxine B. Myers  
1310 Mt. Carmel Road  
Parkton, Maryland 21120

Mr. Charles Donald Mays  
1411 Mt. Carmel Road  
Parkton, Maryland 21120

Mr. Tim Timber  
17008 Sunswept Lane  
Parkton, Maryland 21120

Ms. Elizabeth A. Wirtz  
17002 Sunswept Lane  
Parkton, Maryland 21120

John W. Hessian, III, Esquire  
People's Counsel

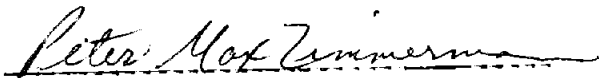
7-10-83

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER  
S/S Brandy Springs Rd., 60' W of the :  
Centerline of Masemore & North Side : OF BALTIMORE COUNTY  
Mt. Carmel Road, 430' East of the :  
Centerline of Sunswept Lane, : Case No. 84-54-X  
7th District :  
:  
GLENN L. DURST, et ux, Petitioners  
: : : : :  
: : : : :

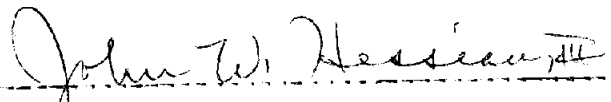
ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

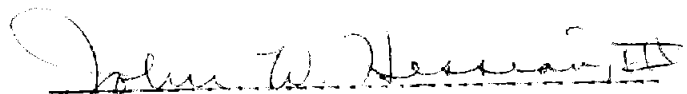


Peter Max Zimmerman  
Deputy People's Counsel



John W. Hessian, III  
People's Counsel for Baltimore County  
Rm. 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 26th day of July, 1983, a copy of the foregoing Order was mailed to Mr. and Mrs. Glenn L. Durst, 1201 Brandy Springs Road, Parkton, Maryland 21120, Petitioners.

  
John W. Hessian, III

# PETITION FOR SPECIAL EXCEPTION

84-54-X

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for (Private Breeding) Kennel

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Glen L. Durst

(Type or Print Name)

Signature

Barbara P. Durst

(Type or Print Name)

Signature

1201 Brandy Springs Road

Address

Phone No.

Parkton, Maryland 21120

City and State

Name, address and phone number of legal owner, tract purchaser or representative to be contacted

same

Name

Address

343-0616

Phone No.

MAP:	
ELECTION	
DISTRICT	
DATE	
TYPE	
HEARING	
BY	
CON-	
FINAL	
BY	

ORDERED By The Zoning Commissioner of Baltimore County, this 7th day of June, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of August, 1983, at 1:30 o'clock P.M.

Zoning Commissioner of Baltimore County.



March 23, 1982. The number of dogs at the facility during these inspections ranged from 40 to 100 dogs, and in each and every inspection the facility was rated excellent.

Dr. William Shortall, veterinarian, testified that he does the veterinary work for this existing kennel, either on site or at his facility, the Padonia Veterinarian Hospital. He is of the opinion that the existing kennel is a very good one. He also confirmed the health problems with Chow puppies at this facility, noting an especially severe loss in the years 1979 and 1980, since which time breeding operations have been severely curtailed. He recommended separate breeding facilities as being normal for the breeding of Chow dogs.

Mr. Glenn Durst, property owner and Petitioner, testified that the kennel is operated solely by his wife. He described the proposed breeding kennel as being built of concrete block with wire fence covered runs. The building is to be air-conditioned with an office and an apartment on the upper level, in which he and his wife hope to reside. The new kennel would be underground in the side of a hill and would not be visible from any road. He also asked that he be allowed to move the kennel from 225 feet from the south property line to 205 feet from this line in order to utilize the existing topography and achieve this underground effect to the north. Mr. Durst noted that his land is not really suitable for farming, it being very erosive and wet, and stated that so far he has planted 7-8,000 white pine trees on the property.

Ms. Joyce Carlstrom, 1120 Mt. Carmel Road, a 13 year resident, testified she had no objection to the proposed breeding kennel. She stated that unconfined neighborhood pet dogs create a bigger nuisance than the existing kennel. The Board takes note that Ms. Carlstrom is the nearest neighbor to the proposed site to testify. Her testimony concluded Petitioner's case.

Mrs. Cynthia McCullough, 17008 Sunswept Lane, testified in opposition to the new kennel noting that the proposed location would be some 400 to 500 feet from her residence and she was certain that the barking of the dogs, particularly at night, would be audible to her. Mrs. Reita Erler, 16938 Flickerwood Road, also opposed the proposed kennel. (Note: She did not know just how far her home was from the proposed kennel but a scale on Petitioner's Exhibit #3 indicates it to be some 1400 to 1600 feet). She testified she hears the dogs barking from the existing kennel, day and night, and in fact kept a record of same which was entered as People's Counsel's Exhibit #2. Mrs. Erler also testified that she had made no complaints to anyone about this noise.

CARL L. GERHOLD  
PHILIP K. CROSS  
JOHN F. ETZEL  
WILLIAM G. ULRICH  
GORDON T. LANGDON

GERHOLD, CROSS & ETZEL  
Registered Professional Land Surveyors  
412 DELAWARE AVENUE  
TOWSON, MARYLAND 21204

EMERITUS  
PAUL G. DOLLENBERG  
FRED H. DOLLENBERG

B23-4470

May 26, 1983

### Zoning Description

All that piece or parcel of land situate, lying and being in the Seventh Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same on the south side of Brandy Springs Road at the beginning of the land of the herein petitioner, said point of beginning being westerly measured along the southernmost side of Brandy Springs Road, 60 feet from the center of Masemore Road, thence running and binding on the southernmost side of Brandy Spring Road, by a line curving toward the left having a radius of 300 feet for a distance of 40 feet, thence leaving Brandy Springs Road and running on the land of the herein petitioner, the seventeen following courses and distances viz: South 55 degrees 03 minutes West 225.00 feet, South 54 degrees 35 minutes 45 seconds West 300.00 feet, North 75 degrees 12 minutes 35 seconds West 160.00 feet, South 54 degrees 35 minutes 45 seconds West 720.00 feet, North 35 degrees 24 minutes 15 seconds West 645.00 feet, North 54 degrees 35 minutes 45 seconds East 564.89 feet, North 35 degrees 24 minutes 15 seconds West 402.38 feet, South 54 degrees 35 minutes 45 seconds West 741.53 feet, North 63 degrees 52 minutes 53 seconds West 895.76 feet, South 49 degrees 06 minutes 09 seconds West 300.00 feet, South 8 degrees 54 minutes 06 seconds East 156.30 feet, South 4 degrees 26 minutes 52 seconds West 452.77 feet, South 82 degrees 14 minutes 06 seconds East 1179.34 feet, South 34 degrees 35 minutes 15 seconds East 655.89 feet, North 55 degrees 13 minutes 33 seconds East 784.08 feet, North 54 degrees 35 minutes 45 seconds East 739.38 feet and North 55 degrees 03 minutes East 247.52 feet to the place of beginning.

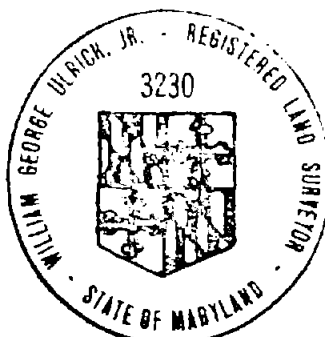
Containing 35.20 Acres of land more or less.

### 20 Foot Wide Ingress - Egress Description

Being a 20 Foot Wide in fee strip of land for ingress and egress to the Glenn L. Durst Property, the beginning thereof being described as follows to wit:

Beginning for the same on the north side of Mt. Carmel Road at the distance of 430 feet measured easterly\*along the north side of Mt. Carmel Road as widened 40 feet northerly from the centerline thereof and at the southwest corner of the 20 foot wide in fee strip to Glenn L. Durst property as shown on the Subdivision Plat of Property of Mr. & Mrs. William McKinley Smith and Mr. & Mrs. Glenn L. Durst which plat is recorded among the Plat Records of Baltimore County in Plat Book E.H.K., Jr. No. 47 folio 120 and also shown on the plat accompanying this description.

\* - from the centerline of Sunswept Lane



William G. Ulrich Jr.

**CERTIFICATE F POSTING**  
**ZONING DEPARTMENT F BALTIMORE C UNTY**  
**Towson, Maryland**

84-54-X

District 7th

Date of Posting July 28 1983

Posted for: Special Exception

Petitioner: Glen L. Durst et ux

Location of property: S/S of Brandy Springs Road 60' W of the  
C/L of Macmore Road & N/S of Mt Carmel Road 430'  
E of the C/L of Sunnyside Lane

Location of Signs: 1 sign S/S of Brandy Springs Road approx 75' W of the C/L of Macmore  
Road - 1 sign N/S of Mt Carmel Road approx 440' E of the C/L of Sunnyside Lane

Remarks:

Posted by S. J. Arath  
Signature

Date of return: August 5 1983

Number of Signs: 2

**CERTIFICATE F POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

84-54-X

District 7th

Date of Posting October 3, 1983

Posted for: Appeal

Petitioner: Glen L Durat et ux

Location of property: S/S Brandy Springs Rd. 60' W of the C/L of Rosemore

Road and N/S of Mt Carmel Rd 430 E of the C/L of Sunnyside Lane

Location of Signs: S/S of Brandy Springs Road approx 70' W of the C/L of Rosemore

Road and 1 sign N/Side of Mt Carmel Rd at Durat's Access Road

Remarks: \_\_\_\_\_

Posted by A. J. Prater

Signature

Date of return: October 7, 1983

Number of Signs: 2

PETITION FOR SPECIAL  
EXCEPTION  
7th Election District

ZONING: Petition for Special  
Exception

LOCATION: South side of Brandy  
Springs Road 430 ft. West of the  
centerline of Masemore Road and  
North side of Mt. Carmel Road,  
430 ft. East of the centerline of  
Sunswept Lane

DATE & TIME: Wednesday, Aug-  
ust 17, 1983 at 1:30 P.M.

PUBLIC HEARING: Room 106,  
County Office Building, 111 W  
Chesapeake Avenue, Towson,  
Maryland

The Zoning Commissioner of Bal-  
timore County, by authority of the  
Zoning Act and Regulations of Bal-  
timore County, will hold a public  
hearing:

Petition for Special Exception for  
a kennel (private breeding)

All that parcel of land in the Sev-  
enth District of Baltimore County

Beginning for the same on the  
south side of Brandy Springs Road  
at the beginning of the land of the  
herein petitioner, said point of be-  
ginning being westerly measured  
along the southernmost side of  
Brandy Springs Road, 80 feet  
from the center of Masemore Road,  
thence running and binding on the  
southernmost side of Brandy  
Spring Road, by a line curving  
toward the left having a radius of  
300 feet for a distance of 40 feet,  
thence leaving Brandy Springs  
Road and running on the land of  
the herein petitioner, the seven-  
teen following courses and distan-  
ces viz: South 55 degrees 08 min-  
utes West 225.00 feet, South 54 de-  
grees 35 minutes 45 seconds West  
300.00 feet, North 75 degrees 12  
minutes 35 seconds West 160.00  
feet, South 54 degrees 35 minutes  
45 seconds West 720.00 feet, North  
35 degrees 24 minutes 15 seconds  
West 645.00 feet, North 54 degrees  
35 minutes 45 seconds East 564.89  
feet, North 35 degrees 24 minutes  
15 seconds West 402.38 feet, South  
54 degrees 35 minutes 45 seconds  
West 741.53 feet, North 63 degrees  
52 minutes 53 seconds West 895.76  
feet South 49 degrees 06 minutes  
09 seconds West 300.00 feet, South  
8 degrees 54 minutes 06 seconds  
East, 156.30 feet, South 4 degrees  
26 minutes 52 seconds West 452.77  
feet, South 82 degrees 14 minutes  
06 seconds East 1179.34 feet, South  
33 degrees 45 minutes 15 seconds  
East 655.89 feet, North 55 degrees  
13 minutes 33 seconds East 784.08  
feet, North 54 degrees 35 minutes  
45 seconds East 739.38 feet and  
North 55 degrees 03 minutes East  
247.52 feet to the place of begin-  
ning.

Containing 35.20 Acres of land  
more or less.

20 Foot Wide Ingress-Egress de-  
scription

Being a 20 Foot Wide in fee strip  
of land for ingress and egress to  
Glenn L. Durst property as shown  
beginning thereof being described  
as follows, to wit:

Beginning for the same on the  
north side of Mt. Carmel Road at  
the distance of 430 feet measured  
easterly along the north side of  
Mt. Carmel Road as widened 40 feet  
northerly from the centerline there-  
of and at the southwest corner of  
the 20 foot wide in fee strip to  
Glenn L. Durst property as shown  
on the Subdivision Plat of Prop-  
erty of Mr. & Mrs. William Mc-  
Kinley Smith and Mr. & Mrs.  
Glenn L. Durst which plat is re-  
corded among the Plat Records of  
Baltimore County in Plat Book  
E.H.K., Jr. No. 47 folio 120 and  
also shown on the plat accompay-  
ing this description.

\*—from the centerline of Sun-  
swept Lane

Being the property of Glen L.  
Durst, et ux, as shown on plat plan  
filed with the Zoning Department.

Hearing Date: Wednesday, Aug-  
ust 17, 1983 at 1:30 P.M.

Public Hearing: Room 106, Coun-  
ty Office Building, 111 W. Ches-  
apeake Avenue, Towson, Maryland.

By Order Of

ARNOLD JABLON  
Zoning Commissioner  
of Baltimore County

July 28

84-54-X

# CERTIFICATE OF PUBLICATION

TOWSON, MD., July 28, 1983

THIS IS TO CERTIFY, that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper printed  
and published in Towson, Baltimore County, Md., ~~once in each~~  
of one time ~~successive weeks~~ before the 17th  
day of August, 1983, the last publication  
appearing on the 28th day of July  
1983.

THE JEFFERSONIAN,

*L. Frank Strickler*  
Manager.

Cost of Advertisement, \$ 42.00

**PETITION FOR SPECIAL EXCEPTION**

7th Election District

**ZONING:** Petition for Special Exception  
**LOCATION:** South side of Brandy Springs Road, 60 ft. West of the centerline of Mesamore Road and North side of Mt. Carmel Road, 430 ft. East of the centerline of Sunswep Lane.  
**DATE & TIME:** Wednesday, August 17, 1983 at 1:30 P.M.  
**PUBLIC HEARING:** Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a kennel (private breeding)

All that parcel of land in the Seventh District of Baltimore County

Beginning for the same on the south side of Brandy Springs Road at the beginning of the land of the herein petitioner, said point of beginning being westerly measured along the southernmost side of Brandy Springs Road, 60 feet from the center of Mesamore Road, thence running and binding on the southernmost side of Brandy Springs Road, by a line curving toward the left having a radius of 300 feet for a distance of 40 feet, thence leaving Brandy Springs Road and running on the land of the herein petitioner, the seventeen following courses and distances via: South 55 degrees 03 minutes West 255.00 feet, South 54 degrees 35 minutes 45 seconds West 300.00 feet, North 75 degrees 12 minutes 35 seconds West 160.00 feet, South 54 degrees 35 minutes 45 seconds West 720.00 feet, North 35 degrees 24 minutes 15 seconds West 645.00 feet, North 54 degrees 35

Hearing Date: Wednesday, August 17, 1983 at 1:30 P.M.

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF  
 ARNOLD JABLON  
 ZONING COMMISSIONER OF  
 BALTIMORE COUNTY  
 48364-L49869

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. 8-2 1983

THIS IS TO CERTIFY, that the annexed advertisement was published in THE TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 successive weeks, the first publication appearing on the 27th day of July 1983.

THE TOWSON TIMES

Cost of Advertisement, \$ 36.48

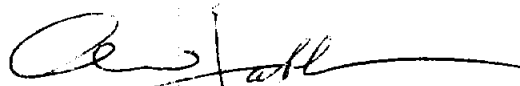
Mr. & Mrs. Glen L. Durst  
1201 Brandy Springs Road  
Parkton, Md. 21120

Gerhold, Cross & Hertz  
412 Delaware Avenue  
Towson, Md. 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204


Your petition has been received and accepted for filing this  
7th day of June, 1983.



ARNOLD JABLON  
Zoning Commissioner

Petitioner Glen L. Durst, et ux  
Petitioner's  
Attorney \_\_\_\_\_

Received by:



Nicholas B. Commodari  
Chairman, Zoning Plans  
Advisory Committee



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

August 8, 1983

Mr. & Mrs. Glen L. Durst  
1201 Brandy Springs Road  
Parkton, Maryland 21120

Re: Petition for Special Exception  
S/S Brandy Springs Rd., 60' W of the c/l of  
Masemore Rd. & N/S Mt. Carmel Rd., 430' E  
of c/l of Sunswapt Lane  
Case No. 84-54-X

Dear Mr. & Mrs. Durst:

This is to advise you that \$38.48 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

  
ARNOLD JABLON  
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 119468

DATE 8/12/83 ACCOUNT R-01-615-000

AMOUNT \$88.48

RECEIVED Glenn L. Durst  
FROM:  
= Advertising & Posting Cas #84-54-X  
FOR:

0 078\*\*\*\*\*8848:0 0150A



BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 121532

DATE 9/26/83 ACCOUNT R-01-615-000

AMOUNT \$110.00

RECEIVED Edward P. Erler, Sr.  
FROM:

FOR: Appeal fee on Case #84-54-X

6 010\*\*\*\*\*11000:D 0275A

\_\_\_\_\_  
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 121531

DATE 9/22/83 ACCOUNT R-01-615-000

AMOUNT \$110.00  
(\$5.00 in cash and  
\$105.00 check)

RECEIVED FROM: People's Counsel

FOR: Appeal fee on Case #84-54-X

6 128\*\*\*\*\*1100000 8230A

VALIDATION OR SIGNATURE OF CASHIER

July 19, 1983

Mr. & Mrs. Glen L. Durst  
1201 Brandy Springs Road  
Parkton, Maryland 21120

NOTICE OF HEARING


Re: Petition for Special Exception  
S/S Brandy Springs Rd., 60' W of the c/1 of  
Masemore Rd. & N/S Mt. Carmel Rd., 430' E of  
the c/1 of Sunswept Lane  
Case No. 84-54-X

TIME: 1:30 P.M.

DATE: Wednesday, August 17, 1983

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

  
ZONING COMMISSIONER OF  
BALTIMORE COUNTY

No. 117382

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE

5/26/83

ACCOUNT

\$ 100.00

AMOUNT

01-615.000

RECEIVED  
FROM:

FOR:

Glen L. Durst  
File for Item # 255

6 124\*\*\*\*\*1000000 0270A

VALIDATION OR SIGNATURE OF CASHIER

Mr. Fred Gunther, 16923 Flickerwood Road, also testified in opposition to the proposed kennel. (Note: His home is the same approximate distance as Mrs. Erler's home). Mr. Gunther testified that he lived at 1114 Mt. Carmel Road while his present home was being erected, and said that he could hear the dogs from the existing kennel at this location. He also made no complaints to anyone, this being only a temporary residence. He stated that he can hear the dogs in the summertime from his present home.

Ms. Maxine Myers, 1310 Mt. Carmel Road, testified that she hears the dogs barking almost daily, the situation being worse in the summertime, and noted that the proposed kennel would be relatively the same distance from her residence as the existing one. Rebecca Tansil, 17003 Sunswept Lane, has a kennel, by special exception, at this location. She breeds poodles and has a fancier's license. She objects to the proposed kennel because it represents increased commercialization in the area.

Mrs. Virginia Deardorff, 16924 Flickerwood Road, testified that she and her husband are developers of the properties along Flickerwood Road and fears that the additional kennel would detract from the area. She testified that there are twenty-five homesites in this area and that so far twelve houses have been erected. Mr. Donald Wirtz, 17002 Sunswept Lane, also testified in opposition to the new kennel because of the noise which is apt to be generated. This concluded Protestants case.

After reviewing all of the testimony and evidence presented, it appears that the special exception applied for by Petitioners should be granted. There was no substantive testimony that the proposed use would decrease property values in the area. A comparison of the testimony and evidence as it pertains to §502.1 indicates that the proposal meets all these prerequisites. The basic objection from the Protestants is to the noise that may result from the granting of this request. The Baltimore County Zoning Regulations clearly permit this land use by special exception in the R.C. 2 zone. Noise and dogs go hand in hand, and since the Council allowed this use in a rural zoning designation; i.e., R.C. 2, it must be considered normal rural noise as are tractors, cattle and other animals, etc., unless the noise can be proved to be unnatural, unusual or excessive. We have inspection notices from Baltimore County officials stating that the existing kennel is an "excellent" one, and the Board has no reason to believe that the proposed kennel will be anything less. It is, therefore, the opinion of this Board that the petition for a special exception for a breeding kennel should be granted and

PETITION FOR SPECIAL EXCEPTION

7th Election District

ZONING: Petition for Special Exception

LOCATION: South side of Brandy Springs Road, 60 ft. West of the  
centerline of Masemore Road and North side of Mt.  
Carmel Road, 430 ft. East of the centerline of Sunswept Lane

DATE & TIME: Wednesday, August 17, 1983 at 1:30 P.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake  
Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for a kennel (private breeding)

All that parcel of land in the Seventh District of Baltimore County

Being the property of Glen L. Durst, et ux, as shown on plat plan filed with the Zoning Department.

Hearing Date: Wednesday, August 17, 1983 at 1:30 P.M.

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue,  
Towson, Maryland

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

**County Board of Appeals**Room 219, Court House  
Towson, Maryland 21204

November 17, 1983

**NOTICE OF ASSIGNMENT**

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 84-54-X

GLEN L. DURST, ET UX

S/S Brandy Springs Rd., 60' W of the c/l of  
Masemore Rd. and N/S Mt. Carmel Rd.,  
430' E of c/l of Sunswept Lane

7th District

SE-Private Breeding Kennel

8/23/83 - Z.C.'s Order-GRANTED with restrictions

ASSIGNED FOR:TUESDAY, FEBRUARY 14, 1984, at 10 a.m.

cc: Glen L. Durst, et ux      Petitioners  
      *Ed. Erler Jr.*      *Alta for Pet.*  
      Reita Erler & Edward Erler, Sr.      Protestants

Maxine Myers

"

Charles Mays

"

Tim Timber

"

Elizabeth A. Wirtz

"

J. W. Hessian, Esq.

People's Counsel

N. Gerber

J. Hoswell

A. Jablon

J. Jung

J. Dyer

June Holmen, Secy.

11/17/83 - Following were notified of hearing set for Tues. Feb. 14, 1984, at 10 a.m.:

Glen Durst, et ux  
Reita and Ed. Erler  
Maxine Myers  
Charles Mays  
Tim Timber  
Eliz. Wirtz  
J. W. Hessian  
N. Gerber  
J. Hoswell  
A. Jablon  
J. Jung  
J. Dyer

84-54-X

7th District

S/S Brandy Springs Rd. 60' W. of the  
c/l of Monmore Road, and  
N/S of Mt. Carmel Rd. 430' E. of the  
c/l of Sunset Lane

Glen L. Durst, et ux

2 - SIGNS



# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 9, 1983

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

o0o

Nicholas B. Commodari  
Chairman

Mr. & Mrs. Glen L. Durst  
1201 Brandy Springs Road  
Parkton, Maryland 21120

RE: Item No. 255 - Case No. 84-54-X  
Petitioner - Glen L. Durst, et ux  
Special Exception Petition

## MEMBERS

Bureau of  
Engineering  
  
Department of  
Traffic Engineering  
  
State Roads Commission  
  
Bureau of  
Fire Prevention  
  
Health Department  
  
Project Planning  
  
Building Department  
  
Board of Education  
  
Zoning Administration  
  
Industrial  
Development

Dear Mr. & Mrs. Durst:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

In view of your proposal to construct a private breeding kennel on a portion of your property, this hearing is required.

At the present time, a kennel exists on the easterly portion of your property, and a previous zoning hearing (Case No. 77-163-A), concerning the existing sign for this use, was heard and eventually dismissed.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*Nicholas B. Commodari, bsc*

NICHOLAS B. COMMODARI  
Chairman

Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Gerhold, Cross & Etzel  
412 Delaware Avenue  
Towson, Md. 21204



BALTIMORE COUNTY  
DEPARTMENT OF PUBLIC WORKS  
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P. E.  
DIRECTOR

July 1, 1983

Mr. William E. Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Item #255 (1982-1983)  
Property Owner: Glen L. & Barbara P. Durst  
S/S Brandy Springs Rd. 60' from centerline  
of Masemore Road  
Acres: 35.20 District: 7th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

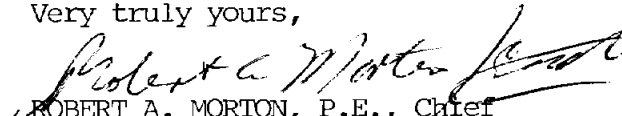
Highways:

Mt. Carmel Road (Md. 137) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Masemore Road, an existing public road, is proposed to be further improved in the future on a 60-foot right-of-way.

Brandy Springs Road, an existing County road, is improved on a 50-foot right-of-way; further highway improvements are not proposed at this time.

Very truly yours,

  
ROBERT A. MORTON, P.E., Chief  
Bureau of Public Services

RAM:EAM:FWR:ss

HH-SW Key Sheet  
108 & 109 NW 14 - 16 Pos. Sheets  
NW 27 & 28 D Topo  
21 Tax Map



# **Maryland Department of Transportation**

State Highway Administration

**Lowell K. Bridwell**  
Secretary

**M. S. Caltrider**  
Administrator

June 13, 1983

Mr. William Hammond  
Zoning Commissioner  
County Office Bldg.  
Towson, Md. 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 6-7-83  
Item: #255  
Property Owner: Glen L.  
& Barbara P. Durst  
Location: S/S Brandy  
Springs Rd., 60' from  
centerline of Masemore  
Rd. & north of Mt. Carmel  
Rd. (Route 137)  
Existing Zoning: R.C. 2  
Proposed Zoning: Special  
Exception for private  
breeding kennel  
Acres: 35.20  
District: 7th

Dear Mr. Hammond:

On review of the site plan of May 2, 1983 and field inspection, the State Highway Administration offers the following comments.

With the site plan showing access from Mt. Carmel Road to the proposed breeding kennel, the State Highway Administration will require highway improvement at the intersection if the site is commercially used.

Very truly yours,

Charles Lee, Chief  
Bureau of Engineering  
Access Permits

By: George Wittman

CL:GW:vrđ

cc: Mr. J. Ogle

**My telephone number is (301) 659-1350**

Teletypewriter for Impaired Hearing or Speech

383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free

P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717



BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

July 28, 1983

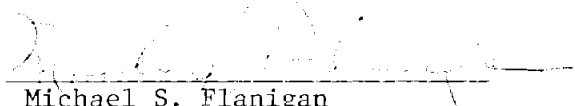
Mr. William Hammond  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 255, 256, and 257      ZAC - Meeting of June 7, 1983  
Property Owner:  
Location:  
Existing Zoning:  
Proposed Zoning:

Acres:  
District:

Dear Mr. Hammond:

The Department of Traffic Engineering has no comments for  
item numbers 255, 256, and 257.

  
Michael S. Flanigan  
Traffic Engineer Assoc. II

MSF/ccm

June 5, 1983  
Date

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Zoning Item # 255, Zoning Advisory Committee Meeting of June 7, 1983

Property Owner: Glen L. + Barbara P. Deast

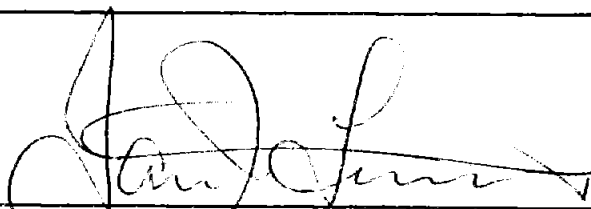
Location: S/S Brandy Springs Road District 7<sup>TH</sup>

Water Supply PRIVATE Sewage Disposal PRIVATE

COMMENTS ARE AS FOLLOWS:

- ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- ( ) Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- ( ) A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

- ( ) Any existing underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.
- (✓) Soil percolation tests have been conducted.  
(✓) The results are valid until Feb 3, 1986.  
( ) Revised plans must be submitted prior to approval of the percolation tests.
- (✓) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test  
( ) shall be valid until \_\_\_\_\_.  
( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property or approval of Building Permit Applications.
- (✓) All roads and parking areas should be surfaced with a dustless, bonding material.
- (✓) No health hazards are anticipated.
- ( ) Others \_\_\_\_\_

  
\_\_\_\_\_  
Ian J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

will so order, subject to restrictions.


ORDER

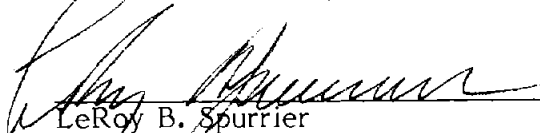
For the reasons set forth in the foregoing Opinion, it is this 24th day of April, 1984, by the County Board of Appeals, ORDERED that the special exception for a Private Breeding Kennel petitioned for, be and the same is hereby GRANTED, subject to the following restrictions:


1. That the proposed kennel building be no bigger than 28' x 80' - as shown on Petitioner's Exhibit #1, and that it be orientated in the same manner as shown.
2. That the Petitioners shall totally enclose the proposed kennel, and that all dogs be kept inside this enclosure from dark until 7:00 a.m. to reduce the possibility of noise during normal sleeping hours.
3. That the kennel be allowed to be placed 205 feet from the southern property line instead of the 225 feet now shown.
4. That the kennel itself be insulated and soundproofed to the best possible degree, and that it be appropriately landscaped and maintained in order to obtain the maximum reduction of noise emanating from the kennel.
5. That the Private Breeding Kennel be just that, and that the kennel be used only for the breeding and care of Chow dogs. No other dogs are to be boarded at this site.
6. That the special exception herein granted is for a "Private Breeding Kennel" as opposed to a normal "boarding" kennel.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

  
William T. Hackett, Chairman

  
LeRoy B. Spurrier

  
Patricia Phipps



BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3900

TED ZALESKI, JR.  
DIRECTOR

June 21, 1983

Mr. William E. Hammond, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Hammond

Comments on Item # 255 Zoning Advisory Committee Meeting June 7, 1983  
are as follows:

Property Owner: Glen L. & Barbara P. Durst  
Location: S/S Brandy Springs Rd. 60' from centerline of Masemore Road  
Existing Zoning: R.C. 2  
Proposed Zoning: Special Exception for private breeding kennel.

Acres: 35.20  
District: 7th

The items checked below are applicable:

- ☒ A. All structure shall conform to the Baltimore County Building Code 1981/  
Council Bill 4-82 State of Maryland Code for the Handicapped and Aged;  
and other applicable Codes.
- ☒ B. A building/and other miscellaneous permits shall be required before beginning  
construction.
- C. Residential: Three sets of construction drawings are required to file a permit  
application. Architect/Engineer seal is/is not required.
- ☒ D. Commercial: Three sets of construction drawings with a Maryland Registered  
Architect or Engineer shall be required to file a permit application.
- E. An exterior wall erected within 6'0 of an adjacent lot line shall be of one hour  
fire resistive construction, no openings permitted within 3'-0 of lot lines. A  
firewall is required if construction is on the lot line, See Table 401, line 2,  
Section 1407 and Table 1402.
- F. Requested variance conflicts with the Baltimore County Building Code,  
Section/s \_\_\_\_\_.
- G. A change of occupancy shall be applied for, along with an alteration permit  
application, and three required sets of drawings indicating how the structure  
will meet the Code requirements for the proposed change. Drawings may require  
a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru  
the services of a Registered in Maryland Architect or Engineer certify to this  
office, that, the structure for which a proposed change in use is proposed can  
comply with the height/area requirements of Table 505 and the required construction  
classification of Table 401.
- ☒ I. Comments: Show compliance to Handicapped Code on plans.

NOTE: These comments reflect only on the information provided by the drawings  
submitted to the office of Planning and Zoning and are not intended to  
be construed as the full extent of any permit.  
If desired, additional information may be obtained by visiting Room #122  
(Plans Review) at 111 West Chesapeake Ave., 21204

Very truly yours,

*Charles E. Burnham*  
Charles E. Burnham, Chief  
Plans Review

CEB:rrj

FORM 01-82



# BALTIMORE COUNTY PUBLIC SCHOOLS

---

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: June 7, 1983

Mr. William E. Hammond  
Zoning Commissioner  
Baltimore County Office Building  
1111 West Chesapeake Avenue  
Towson, Maryland 21204

Z.A.C. Meeting of: June 7, 1983

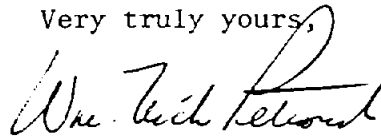
RE: Item No: 254, (255), 256, 257  
Property Owner:  
Location:  
Present Zoning:  
Proposed Zoning:

District:  
No. Acres:

Dear Mr. Hammond:

All of the above have no adverse effect on student population.

Very truly yours,



Wm. Nick Petrovich, Assistant  
Department of Planning

WNP/bp



BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204-2586  
494-4500

PAUL H. REINCKE  
CHIEF

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

September 14, 1983

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Glen L. and Barbara P. Durst

Location: S/S Brandy Springs Road 60' from centerline of Masemore Road

Item No.: 255

Zoning Agenda: Meeting of June 7, 1983

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road, in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_  
\_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Capt. Joseph Kelly 9-19-83  
Planning Group  
Special Inspection Division

Noted and  
Approved:

George M. Kergand  
Fire Prevention Bureau

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

William E. Hammond,  
**TO** Zoning Commissioner  
Norman E. Gerber, Director  
**FROM** Office of Planning and Zoning  
Zoning Petition #84-54-X  
**SUBJECT** Glen L. Durst, et,ux

Date July 29, 1983

Assuming compliance with Section 421.1 of the zoning regulations and the provision of adequate landscaping as necessary, this office is not opposed to the granting of the subject request.

Norman E. Gerber, Director  
Office of Planning and Zoning

NEG:JGH:si

Case No. 84-54-X                      S/S Brandy Springs Rd., 60' W of the c/l of  
Item No. 255                      Masemore Rd. & N/S of Mt. Carmel Rd., 430'  
Date: September 22, 1983      E of c/l of Sunswept Lane - 7th District  
Glen L. Durst, et ux - Petitioners

- 
- x   1.      Copy of Petition
- x   2.      Copy of Description of Property
- x   3.      Copy of Certificate of Posting (2 signs)
- x   4.      Copy of Certificates of Publication
- x   5.      Copy of Zoning Advisory Committee Comments
- x   6.      Copy of Comments from the Director of Planning
7.      Planning Board Comments and Accompanying Map
- x   8.      Copy of Order to Enter Appearance
- x   9.      Copy of Order - Zoning/Deputy Zoning Commissioner
- x   10.     Copy of Plat of Property
11.     200' Scale Location Plan
12.     1000' Scale Location Plan
13.     Memorandum in Support of Petition
14.     Letter(s) from Protestant(s)
15.     Letter(s) from Petitioner(s)
- x   16.     Protestants' Exhibits   1   to   2
- x   17.     Petitioners' Exhibits   1   to  10
- x   18.     Letter of Appeal (2 appeals)

Glen L. Durst, et ux  
1201 Brandy Springs Road  
Parkton, Maryland 21120

Petitioners

Mrs. Reita L. Erler  
16938 Flickerwood Road  
Parkton, Maryland 21120

Protestant

Ms. Maxine B. Myers  
1310 Mt. Carmel Road  
Parkton, Maryland 21120

Protestant

Mr. Charles Donald Mays  
1411 Mt. Carmel Road  
Parkton, Maryland 21120

Protestant

Mr. Tim Timber  
17008 Sunswept Lane  
Parkton, Maryland 21120

Protestant

Mrs. Elizabeth A. Wirtz  
17002 Sunswept Lane  
Parkton, Maryland 21120

Protestant

John W. Hessian, III, Esquire  
Norman E. Gerber, James Hoswell  
Arnold Jablon, Jean M. H. Jung and  
James E. Dyer

People's Counsel  
Request, Notification

Case No. 84-54-X

Item No. 255

Date: September 22, 1983

S/S Brandy Springs Rd., 60' W of the c/l of  
Masemore Rd. & N/S of Mt. Carmel Rd., 430'  
E of c/l of Sunswept Lane - 7th District  
Glen L. Durst, et ux - Petitioners

SE--Private Breeding Kennel

- ☒ 1. Copy of Petition
- ☒ 2. Copy of Description of Property
- ☒ 3. Copy of Certificate of Posting (2 signs)
- ☒ 4. Copy of Certificates of Publication
- ☒ 5. Copy of Zoning Advisory Committee Comments
- ☒ 6. Copy of Comments from the Director of Planning
7. Planning Board Comments and Accompanying Map
- ☒ 8. Copy of Order to Enter Appearance
- ☒ 9. Copy of Order - Zoning/~~XXXXXXXXXXXX~~ Commissioner -8/23/83,  
GRANTED w/restrictions
- ☒ 10. Copy of Plat of Property
11. 200' Scale Location Plan
12. 1000' Scale Location Plan
13. Memorandum in Support of Petition
14. Letter(s) from Protestant(s)
15. Letter(s) from Petitioner(s)
- ☒ 16. Protestants' Exhibits 1 to 2
- ☒ 17. Petitioners' Exhibits 1 to 10
- ☒ 18. Letter of Appeal (2 appeals) -9/22/83 by Protestants, neighbors;  
9/22/83 by J. Hessian, Esq., Peoples' Counsel
- Glen L. Durst, et ux  
1201 Brandy Springs Road  
Parkton, Maryland 21120  
Petitioners
- Mrs. Reita L. Erler & Edward, Jr. Protestant  
16938 Flickerwood Road  
Parkton, Maryland 21120
- Ms. Maxine B. Myers Protestant  
1310 Mt. Carmel Road  
Parkton, Maryland 21120
- \* Mr. Charles Donald Mays Protestant  
1411 Mt. Carmel Road  
Parkton, Maryland 21120
- Mr. Tim Timber Protestant  
17008 Sunswept Lane  
Parkton, Maryland 21120
- Mrs. Elizabeth A. Wirtz Protestant  
17002 Sunswept Lane  
Parkton, Maryland 21120
- \* John W. Hessian, III, Esquire People's Counsel  
Norman E. Gerber, James Hoswell Request, Notification  
Arnold Jablon, Jean M. H. Jung and  
James E. Dyer

84-573

5/15/84

8

File  
Case File

March 13, 1984

Dr. Rebecca C. Tansil  
Sunswept Lane  
Parkton, Maryland 21120

RE: Case No. 84-54-X  
Glen L. Durst, et ux,  
Petitioners

Dear Dr. Tansil:

I am in receipt of your letter dated March 1, 1984 and can understand your concerns. However, the decision to grant the special exception for the kennel was rendered after a public hearing before the Zoning Commissioner, who was sitting in his judicial capacity. Attached to your letter you had a copy of his decision, but without its last page delineating the restrictions to be imposed upon the Petitioner. I attach a copy for your information.

As you note, this decision was appealed to the County Board of Appeals for Baltimore County, where another public hearing was held. A decision by the Board to reverse, modify, or uphold the Commissioner's decision should be forthcoming. Like the Zoning Commissioner, the Board is a quasi-judicial body which takes testimony, hears evidence, and is bound by the law. If you are right in your objections, I am sure the Board would reverse the Commissioner's decision, thereby preventing the kennel from being constructed. Regardless of the Board's decision, an appeal may be taken to the Circuit Court for Baltimore County.

The Zoning Commissioner's rationale for initially granting the kennel can be found in his decision and, although you disagree, the bases for that decision were founded in the testimony and evidence presented to him at the hearing. He heard the testimony of the protestants and obviously recognized their concerns as can be discerned from the number of restrictions.

Hopefully, your concerns will be addressed by the Board of Appeals to your satisfaction.

Sincerely,

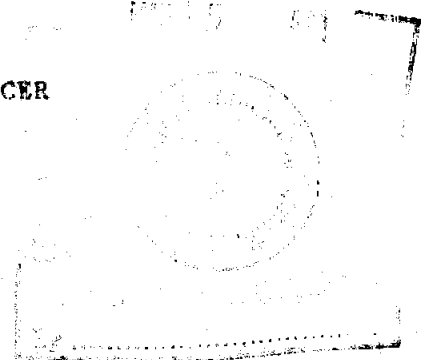
B. MELVIN COLE

B. Melvin Cole  
ADMINISTRATIVE OFFICER

BMC:AJkb

Attachment

✓cc: Arnold Jablon, Zoning Commissioner





## BALTIMORE COUNTY

TRANSMITTAL  
MEMO

TO	
B. Melvin Cole, Administrative Officer	
FROM	DATE.
Arnold Jablon, Zoning Commissioner	3/9/84
SUBJECT.	
Kennel Permit	

Correspondence Dated March 6, 1984

XX

Dr. Rebecca Tansil

RE: Case No. 84-54-X  
Glen L. Durst, et ux,  
Petitioners

Dear Dr. Tansil:

I am in receipt of your letter dated March 1, 1984 and can understand your concerns. However, the decision to grant the special exception for the kennel was rendered after a public hearing before the Zoning Commissioner who was sitting in his judicial capacity. Attached to your letter, you had a copy of his decision but without its last page delineating the restrictions to be imposed upon the Petitioner. I attach a copy for your information.

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Hopefully, your concerns will be addressed by the Board of Appeals to your satisfaction.

Sincerely,

*[Handwritten signature]*

BMC/AJ/srl

B. MELVIN COLE  
Administrative Officer



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

184-490

TO \_\_\_\_\_ Arnold Jablon  
Zoning Commissioner

FROM \_\_\_\_\_ B. Melvin Cole

SUBJECT \_\_\_\_\_ Kennel Permit

Date \_\_\_\_\_ March 6, 1984

I received the attached package of materials from Dr. Rebecca Tansil, a fine lady who has a great affection and concern for animals, particularly dogs.

It is obvious that she is very concerned about some action which we have taken to permit the establishment of a kennel devoted to the breeding of Chow dogs somewhere in or near the Gunpowder Park area.

When you have an opportunity, will you give me some type of response which I might make to Dr. Tansil to support the action which we have taken?

B. Melvin Cole  
ADMINISTRATIVE OFFICER

BMC:cr  
Attachment

MICROFILMED



County Board of Appeals of Baltimore County

Room 200 Court House  
Towson, Maryland 21204  
(301) 494-3180

April 24, 1984

Phyllis C. Friedman  
People's Counsel  
Courthouse  
Towson, Maryland 21204

Re: Case No. 84-54-X  
Glen L. Durst, et ux

Dear Mrs. Friedman:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart  
Edith T. Eisenhart, Adm. Secretary

Encl.

cc: Mrs. Reita L. Erler  
Ms. Maxine B. Myers  
Mr. Charles Donald Mays  
Mr. Tim Timber  
Mrs. Elizabeth A. Wirtz  
Glen L. Durst, et ux  
N. E. Gerber  
J. G. Hoswell  
A. Jablon  
Jean M. H. Jung  
J. E. Dyer



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

September 27, 1983

Mr. & Mrs. Glen L. Durst  
1201 Brandy Springs Road  
Parkton, Maryland 21120

Re: Petition for Special Exception  
S/S Brandy Springs Rd., 60' W of the c/l of  
Masemore Rd. & N/S of Mt. Carmel Rd.,  
430' E of the c/l of Sunswept Lane  
Glen L. Durst, et ux - Petitioners  
Case No. 84-54-X

Dear Mr. & Mrs. Durst:

Please be advised that the following two appeals have been filed from the decision rendered by the Zoning Commissioner of Baltimore County in the above referenced matter:

- 1) Appeal from John W. Hessian, III, Esquire, People's Counsel of Baltimore County
- 2) Appeal from Reita L. Erler, et al, Protestants

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Very truly yours,

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Zoning Commissioner

AJ:aj

cc: Ms. Maxine B. Myers  
1310 Mt. Carmel Road  
Parkton, Maryland 21120

Mr. Charles Donald Mays  
1411 Mt. Carmel Road  
Parkton, Maryland 21120

Mr. Tim Timber  
17008 Sunswept Lane  
Parkton, Maryland 21120

Ms. Elizabeth A. Wirtz  
17002 Sunswept Lane  
Parkton, Maryland 21120

To HACKETT  
 Date 5/4/84 Time 9 PM A.M. ☐ P.M. ☐  
**WHILE YOU WERE OUT**  
 M MRS. DURST  
 of \_\_\_\_\_  
 Phone 343-0616  
 Area Code Number Extension  

TELEPHONED	<input type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CALLED TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	<b>URGENT</b>	<input type="checkbox"/>
RETURNED YOUR CALL	<input type="checkbox"/>		

Sent to our office by Doug Swam of  
 Message Zoning Board's Order needs correction  
 and he told her it could be done inasmuch  
 it is still in the 30 period. In restriction  
 you state building should be 28 x 80 per  
 plat submitted as Pet. Exh. #1. She said  
 this should be 28 x 90 and that it was OK  
 by Zoning to make this change. I told her  
 I would call this to your attention next  
 Operator

week as you were out of town for the week-  
 end. However, I pointed out to her that  
 Exhibit #1 showed the building to be as you  
 stated in your restriction (28 x 80) and I  
 asked her why her surveyor didn't change  
 the plat on presenting it to the Board. She  
 didn't know why.

She stopped by the second time and said  
 that she had been over to Zoning again and  
 that both Dyer and Swam told her to request  
 that you talk to them about this matter  
 before making your decision.

ETE

*5/4/84 Per WTH  
 Not going to change  
 order. Told Dyer to  
 relay to D. Swam who  
 was talking to Mrs  
 Durst.*

HX2

LITHO U.S.A.

# PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										

Reviewed by: WOL

Revised Plans:

Change in outline or description        Yes  
       No

Previous case: 77-163A

Map\* #                     

Item #255

8/17/83

(including dog)

84-54-X

Pets, ~~protestants~~ Maxine Meyers, Rita Eller

Mr & Mrs Durst

Mr & Mrs Durst - own pup 15 yrs - raised & held  
+ had pets - (a) went into pet care - bought 45 acres -  
operated pet care of 11 yrs - employ 4 or 5 people - can't  
build anywhere else on prop because remainder of  
prop won't sink - only where proposed location -  
spring divides property - vet advised that should  
separate breeding kennel from existing kennel - proposed  
office, board & breed dogs - kitchen area, training  
room - isolation area - holding kennel - completely  
covered, insulated - outside runs, sliding glass  
doors all around - runs - no heat - 10 or 12  
puppies at time, w/ 20-30 adult - no additional  
trapper, as no daily clients - 2 story in front -  
B bldg, will have heat - 3 people <sup>employed</sup> for  
personal site - 2 people living on access road  
+ both in favor - not commercial - both homes  
owned by Pet on access road - Pet will leave

~~Maxine Meyers~~ ~~protestant~~ to wear sterile clothes -

II Mrs Durst - reason for isolation is due to introduction of  
germs when breeds mixed - due to street carried  
virus' - airborne virus' which can't be prevented -  
kennel - raise & sell - values of dogs between \$500-\$1500  
as show dogs - \$300-\$800 as pet - puppies die due  
to virus' & to prevent would require isolation -

no  
commercially  
operated  
facility -

(2)

never be a boarding kennel - private breeding isolation  
kennel -

I Rita Ellis - near dogs all night - 1 1/2 lived in area - 1 1/2 are  
+ larger - houses \$135,000 + valued - doesn't want  
another kennel

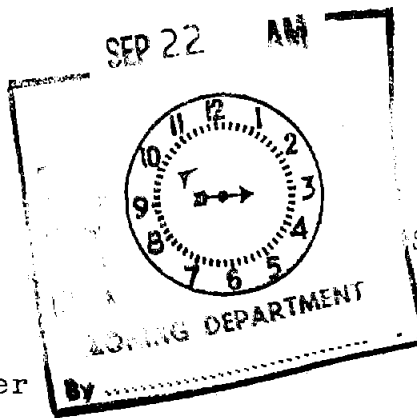
II Mrs Myers - houses on Mt Carmel Rd - doesn't want another  
kennel - either commercial or semi-commercial dog  
population - lived 22 yrs -

III Elizabeth Wertz - 25 yrs lived - don't want any more kennels -  
public nuisance as to noise factor -

IV Tim Timber - 4 1/2 - value of houses affected by kennel  
in neighborhood (good for kennel) - 2 kennels nearby  
will make value of homes decrease -

---

closing -



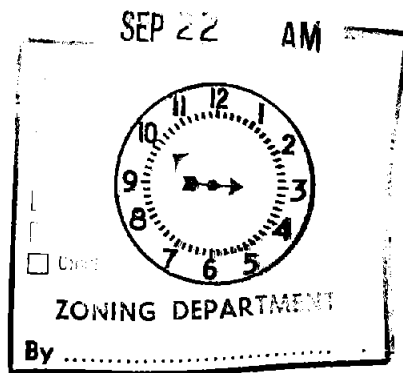
Sept. 20, 1983

Zoning Commissioner  
County Office Building  
Towson, Md. 21204

We wish to appeal zoning case #84-54-X, Glen. L Durst petitioner for a private breeding kennel, and the granting of Special Exception for same.

Mr. S.A. Munaf Jr. 1700 4A Sunswapt La.  
Mrs W.M. Munaf Jr. 1700 B Sunswapt La.  
Mr Donald W. Witz 17002 Sunswapt La.  
Chas H. Mvill 1322 Mt. Carmel Rd  
Catherine M. Krosch 1322 Mt. Carmel Rd.  
Janet L. Gardner 1400 Mt. Carmel Rd.  
Leslie A. Beck 1402 Mt. Carmel Rd.  
George C. Beck 1402 Mt. Carmel Rd. (X.B.)  
Cynthia McCullough/Timothy Timber 17008 Sunswapt Lane  
Mark E. Harbor 1400 Mt. Carmel Rd.  
Rebecca C. Sausel 17003 Sunswapt Lane  
X Blanche A. Sausel 17003 Sunswapt Lane  
Maryellen Grey 1219 Mt. Carmel Rd. Parkton, Md 21120  
Elizabeth A. Witz 17002 Sunswapt Lane, Parkton, Md 21120  
Margie R. Humphlett 1320 Mt. Carmel Rd. Parkton, Md 21120  
H. B. Humphlett 1320 Mt. Carmel Rd. Parkton, Md 21120  
H. B. Humphlett " " " " " " " " " " " "





Sept. 20, 1983

We wish to appeal zoning case #84-54-X, Glen. L. Durst petitioner

for a private breeding kennel and the granting of Special Exception

for same.

*Charles H. Huh*  
16940 FLICKERWOOD RD  
PARKTON MD 21120

*Edward P. Erler*  
16938 Flickerwood Rd.  
*Rita L. Erler*

357-5269  
662-0167

*Jeffrey Thomas Sutton*  
1317 Mt. Carmel Rd.  
Parkton Md. 21120

*Philip C. Boardoff*  
16924 Flickerwood Rd.  
*Virginia Boardoff*

*Donald May* - 357-4259  
14117 Mt Carmel Rd. 21120

*John E. Insor*  
*Betty Lantinsen*  
1409 Mt. Carmel Rd.  
Parkton, Md. 21120

*Josyline Kresge*  
*Barney Thompson*  
*Pamela Robb*  
1221 Mt. Carmel Rd  
Parkton, Md. 21120

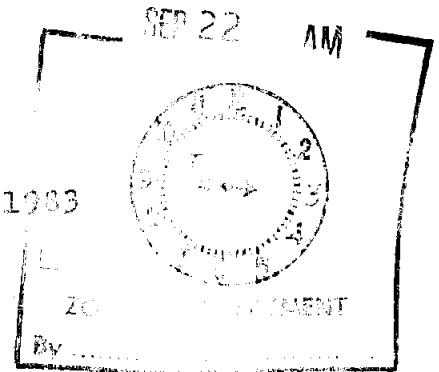
*Wanda M. Dunther*  
16923 Flickerwood Rd  
Parkton, Md 21120

*Hilda C. Dixon*  
1405 Mt Carmel Rd  
Parkton, Md 21120

*Katherine M. Kelleher*  
1321 Mt Carmel Rd  
Parkton Md - 21120

*Fanny M. Dixon*  
1405 Mt. Carmel Rd.  
Parkton, Md. 21120

Sept. 20, 1983



We wish to appeal zoning case #84-54-X, Glen. L. Durst petitioner

for a private breeding kennel and the granting of Special Exception

for same.

Donna H. Ennor  
Joseph W. Ennor 1307 Mt. Carmel Rd. Parkton, Md. 21120  
Estelle M. Hanna 1304 Mt. Carmel Rd. Parkton Md. 21120  
Juli A. Sutton 1317 Mt. Carmel Rd. Parkton MD 21120  
Robert E. Luvigne 1318 Mt. Carmel Rd. Parkton, Md. 21120  
Helen McComas 1300 Mt. Carmel Rd. Parkton, Md. 21120  
Marilyn B. Myers 1310 Mt Carmel Rd Parkton, Md 21120

23-1760  
AG-269

AUG 4 '83 AM

8/4/83

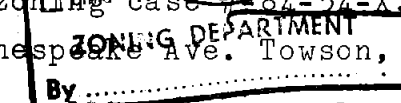
colg

August 2, 1983

Dear Mr. Jablon,

GLEN L. DURST, *stux*

In reference to zoning case 4-84-54-X hearing August 17, 1983, in room 106, 111 W. Chesapeake Ave. Towson, Md. 21204, for a kennel.



We protest the kennel because we already have two kennels in our neighborhood which we feel are destroying the peace and tranquility of our neighborhood with the barking of many dogs. Sometimes this goes on all night long and certainly will depreciate the value of our property.

It is not fair to have another kennel even closer to us than the two we already have and the following signatures are all opposed to this proposal.

Wayne Mellett  
1415 Mt. Carmel Rd.

Charles R. M. M. M.

Catherine Thrich  
1322 Mt. Carmel Rd.  
Parkton, Md. 21120

Janet L. Gardner  
1400 Mt. Carmel Road  
Parkton, MD 21120

Tim Tucker  
1700 8 Sunnyside Lane  
Parkton MD 21120

Denise Donaldson  
1314 Mt. Carmel Rd.  
Parkton, Md. 21120

Ruth Ann Robertson  
1106 Mt. Carmel Rd.  
Parkton, Md. 21120

D. Keith Whitcomb  
1112 Mt. Carmel Rd.  
Parkton, Md. 21120

Rachel Mc Comas  
Hyles R. Mc Comas  
1300 Mt. Carmel Road  
Parkton, Md. 21120

Calvin L. B. Lucher  
Ellen Blucher  
1301 Mt. Carmel Rd.  
Parkton, Md. 21120

Joseph W. Enzor  
Donna H. Enzor  
1307 Mt. Carmel Rd.  
Parkton, Md. 21120

Estelle Hanna  
1309 Mt. Carmel Rd.  
Parkton Md. 21120

Robert E. Leisinger  
1318 Mt. Carmel Road  
Parkton, Maryland 21120

Maxine B. Myers  
1310 Mt. Carmel Rd.  
Parkton Md. 21120

August 1, 1983 11:53 AM

Dear Mr. Jablon,

In reference to zoning case #-84-54-X, hearing August 17, 1983, in room 106, 111 W. Chesapeake Ave. Towson, Md. 21204, for a kennel.

We protest the kennel because we already have two kennels in our neighborhood which we feel are destroying the peace and tranquility of our neighborhood with the barking of many dogs. Sometimes this goes on all night long and certainly will depreciate the value of our property.

It is not fair to have another kennel even closer to us than the two we already have and the following signatures are all opposed to this proposal.

Edward P. + Paula J. Eiler 16938 Flickerwood Rd.

Charles H + Mary E Hah 16940 FLICKERWOOD

Virginia Deardoff 16924 Flickerwood Rd

Philip C Deardoff, Pres. Flickerwood Estates, Inc.

Katherine Skellotte 1321 Mt Carmel Rd Parkton Md

Shawn H Skellotte 1321 Mt Carmel Rd Parkton Md

Brian D Skellotte 1321 Mt Carmel Rd Parkton Md

Nancy Stockdale 16937 Flickerwood Rd Parkton Md

Jeffrey Thomas Skellotte 1317 Mt. Carmel Rd. Parkton Md.

417

GLENN L. DURST et ux  
Petitioners

S/S BRANDY SPRINGS RD.  
60' from centerline of  
Masemore Rd

PETITION FOR SPECIAL EXCEPTION

\*  
\*  
\*  
\*  
\*

BEFORE THE  
COUNTY BOARD OF  
APPEALS  
Zoning Petition  
Item No. 255  
Case No. 84-54-X

\* \* \*

REQUEST FOR SUMMONS FOR WITNESSES

Mr. Clerk:

Please issue summonses for the following witnesses:

William G. Ulrich, Jr.  
Gerhold Cross and Etzel  
412 Delaware Avenue  
Towson, MD 21204 *md*  
*Sed 1-31-84*

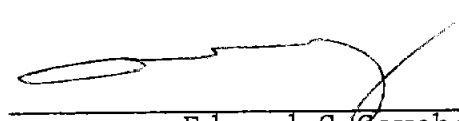
Dr. Robert Shortall  
Padonia Animal Hospital  
9827 York Rd.  
Cockeysville, MD 21030 *CL 1-27-84*  
*done*

To testify for the Petitioners. Returnable on February 14, 1984  
at 10:00 a.m, before the County Board of Appeals, Room 200,  
Court House, Towson, Maryland 21204.

RECEIVED  
CLERK OF COURT  
BALTIMORE CO.

COST 3 50  
SUMMONED 1-31 1984  
NON EST ..... 19  
NON SUNT ..... 19  
COPY LEFT 1-27 1984

SHERIFF  
CHARLES H. HICKEY, JR  
OF BALTIMORE COUNTY

  
Edward C. Covahey, Jr.  
Atty. for Petitioners  
614 Bosley Ave.  
Towson, MD 21204  
828-9441

Rec'd. 1/26/84  
9:30 a.m.

Mr. Sheriff:

Please issue this summons.

*Edith T. Eisenhart*  
Edith T. Eisenhart, Adm. Secretary  
County Board of Appeals of Baltimore County

# PETITIONER'S EXHIBIT 2

Aug 12 1983

We the undersigned have no objections whatever to Mr. and Mrs Hurst building a private breeding Kennel. There present boarding Kennel is within sight and few hearing distances of our property, and there is no excessive Noise and no odor from that Kennel. We understand the Necessity for an isolation Kennel and have no objection to such.

Name

Address

1 Ray Stevens	1203 Brandy Springs rd
2 Donald Chaney	1202 Brandy Springs Rd.
3 Nancy Chaney	1202 Brandy Springs Rd.
4 Cathy Goodson	1205 Brandy Springs Rd.
5 Timothy Goodson	1205 Brandy Springs Rd.
6 Anna Smith	17106 Masemore Rd.
7 Raymond Smith	17106 Masemore Rd.
8 Joyce Carlson	1120 Mt Carmel Rd.
9 Lewi Carlstrom	1120 MT. Carmel Rd.
10 Darryl W. Mentzer	1104 MT CARMEL RD
11 Anita E. Mentzer	1104 Mt. Carmel Rd.
12 Katherine Becker	1207 Brandy Springs Rd.
13 Wm. L. Becker, Jr.	1207 Brandy Springs Rd.
14 John D. Foster	17201 Masemore Rd
15 Bernice Foster	17201 Masemore Rd.
16 Emily Williams	17112 Masemore Rd.
17 Olla Williams	17112 Masemore Rd.
18 Beverly Stetzel	17114 Masemore Rd.
19 Carolyn Werlin	1308 Mt Carmel Rd
20 Robert A. Werlin	1308 MT CARMEL RD.
21 Susan G. Eller	1314-A2 Mt. Carmel Rd.
22 Percy Rudgeley	" " " "
23 Sandra Comer	1314 Mt Carmel Rd
24 Elaine Binkins	1316 Mt Carmel Rd
25 Don Jones	" " " "
26 Mary Williams	1316 Mt. Carmel Rd.
27 Dr. Trapanese	1208 Brandy Springs 2/120
28 Mary Francis	" " " "

2

Aug 12, 1983

The undersigned have no objections whatever to Mr. & Mrs. Hurst building a private breeding kennel. Their present boarding kennel is within sight and - or hearing distance of our property, and there is no excessive noise, and no odor from that kennel. We understand the necessity for an isolation kennel and have no objection to such.

Name

Address

29 George Kron	1512 Mt. Carmel Rd.
30 Allison Kron	1512 Mt. Carmel Rd.
31 Glenn Kubinski	1417 Mt. Carmel Rd.
32 Frank Walter Kubinski Jr	1417 Mt. Carmel Rd.
33 Ingrid Buttm	Mt. Carmel Rd.
34 John C. Mayo	1206 Brandy Spring Rd.
35 John E. Mayo	1206 Brandy Spring Rd.
36 Donald A. Scholtz	17202 Masenore Rd.
37 Shirley A. Scholtz	17202 Masenore Rd.
38 Diane May Turbaugh	17204 Masenore Road
39 Todd Wakeheim	17119 Evna Rd.
40 Earl W. W. W.	1719 Evna Rd.
41	
42	
43	
44	
45	

14 Chow

ANIMAL FACILITIES INSPECTION

Baltimore County Bureau of Animal Control  
Towson, MD 21204  
494-3600, 494-3601

FACILITIES INSPECTION REPORT

PETITIONER'S  
EXHIBIT

HEREFORD COUNTRY CLUB FOR PETS  
Name of Establishment

381-6167  
Telephone

10/4 3  
District

Box 252-B MASEMORE RD, PARKTON Md.  
Address

21120  
Zip Code

Owner GLENN L. + BARBARA DURST

Manager Same

Veterinarian DR. ROBT. SPARTALL

Address Same

Animals kept on premises: DOGS 35 CATS — BIRD — HAMSTERS — GERBILS —  
MICE — GUINEA PIGS — FISH — WILDLIFE ~~MT~~ Other —

General condition of animals: (Note of presence of ticks, running eyes, diarrhea, sneezing, etc.) (X) Satisfactory ( ) Unsatisfactory

Comment on conditions Kennel facility very clean and well maintained, dogs in good health

Adequate pens and space for animals? (X) yes ( ) no  
Is there adequate, available food, water & bedding: (X) yes ( ) no  
Odors under control? (X) yes ( ) no Noise under control? (X) yes ( ) no  
Animal food stored and handled properly? (X) yes ( ) no  
Facilities inside, clean (X) yes ( ) no outside clean (X) yes ( ) no  
Properly covered refuse containers? (X) yes ( ) no  
Adequate number? (X) yes ( ) no  
Are health certificates given with sale of dogs, cats or monkeys? (X) yes ( ) no

LICENSE INFORMATION

Md. Traders License Displayed  
# N/A

( ) yes (X) no

Baltimore County Facilities  
# #23

(X) yes ( ) no

Md. State Psittacine Bird License  
# N/A

( ) yes (X) no

Signature of owner or manager

Barbara P. Durst

Animal Control Warden

David Price

Date 10/31/78

(8/18/77)



# Dogs barking

Sept. 20/1984 - Before Daylight

21/1984 - Evening

22 '84 - Early morning

23 - Early morning

23 Early Evening

24- 6.30 A.M.

25- 3.30 A.M.

25- 6.30 A.M.

25- 8.30 A.M.

25- 10.45 P.M.

26- 2.45 A.M. Continued on

26- 6.32 A.M.

26- 8.24 A.M.

27- 7.30 P.M.

27- 9.15 P.M.

28- 5.32 A.M.

28- 6.30 A.M.

29- 10.30 P.M.

29- 11.30 P.M.

~~30~~- 6.30 A.M.

30- 8.15 A.M.

30- 10.00 P.M.

Oct. 1984 - 10/6 -	6.45 A.M
10/7 -	6.45 P.M
10/8 -	7.50 A.M
10/9 -	7.20 A.M
10/9 -	7.57 - A.M
10/9 -	4.35 - P.M
10/10 -	4.55 - P.M
10/10 -	11. P.M -
10/15	10.00 P.M
10/16 -	5.14 - A.M
10/16 -	7.30 - A.M

P.C. Exhibit  
#2

# PETITIONER'S

DR. W. ROBERT SHORTALL  
PADONIA VETERINARY HOSPITAL  
382 YORK ROAD  
COCKEYSVILLE, MARYLAND 21030  
Telephone 666-7878

9  
8/11/83

Mr & Mrs Glen Bunt have been raising and showing champion Chow dogs for approximately 10-11 years out of The Hereford County Club for Pets.

They have had great success at producing champions - as many as 8 in 1 year. This is almost unheard of in dog breeding for 1 kennel to produce that number of champions in that span of time.

However, They have had some disastrous years in the last 4 years attempting to raise puppies at the boarding kennel. I am sure that they have lost at least 30 pups due to disease directly related to the boarding kennel and transmission of disease from the boarding kennel by

DR. W. ROBERT SHORTALL  
PADONIA VETERINARY HOSPITAL  
9827 YORK ROAD  
COCKEYSVILLE, MARYLAND 21030  
Telephone 666-7878

boarding kennel personnel. This kind of loss has a tremendous economic and emotional impact on a breeding kennel. The value of the pups generally run \$300 to \$500 for an average pup and even higher for good show quality dogs.

It would be in their and their breeding clubs best interest to be as far removed from the boarding kennel as possible so as to avoid transmission of air borne diseases and to avoid kennel personnel from working in the area of the newborn pups.

The Dunks maintain a very well run and clean kennel, but raising pups is like raising new born children in a sense. The area they

DR. W. ROBERT SHORTALL  
PADONIA VETERINARY HOSPITAL  
9827 YORK ROAD  
COCKEYSVILLE, MARYLAND 21030  
Telephone 666-7878

one in has to be isolated from  
other dogs and as aseptic as  
possible. The Quists have maintained  
The aseptic aspect as much as  
humanely possible. The isolation  
aspect can only be achieved by  
removing The breeding dogs from  
The boarding kennel area, as far  
as possible.

Sincerely  
Dr. W. Robert Shortall

DR. W. ROBERT SHORTALL  
PADONIA VETERINARY HOSPITAL  
9827 YORK ROAD  
COCKEYSVILLE, MARYLAND 21030



Joseph Priestley  
USA 20c

Mr & Mrs Allen Dunst  
Hereford County Club for Ret.  
Masemore Rd.  
Hereford, Md.  
21111 21120  
Postage paid

84-116  
GLENN L. DURST, et ux  
Petitioners

S/S Brandy Springs Rd.  
60' from centerline of  
Masemore Road

Petition for Special Exception

\*  
\*  
\*  
\*  
\*  
\*

BEFORE THE  
ZONING COMMISSIONER  
FOR  
BALTIMORE COUNTY  
Item No. 255  
Case No. 84-54-X

\* \* \*

REQUEST FOR SUMMONS FOR  
WITNESSES

Mr. Clerk:

Please issue summons for the following witnesses:

William G. Ulrich, Jr.  
Gerhold Cross and Etzel  
412 Delaware Avenue  
Towson, MD 21204

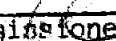
Dr. Robert Shortall  
Padonia Animal Hospital  
9827 York Rd.  
Cockeysville, MD 21030

To testify for the Petitioners. Returnable on February 14, 1984  
at 10:00 a.m., Office of the Zoning Commissioner for Baltimore  
County, 111 W. Chesapeake Avenue, County Office Building, Towson,  
Maryland.

Edward C. Covahey, Jr.  
Atty. for Petitioners  
614 Bosley Ave.  
Towson, MD 21204  
828-9441

Mr. Sheriff:

Please issue summonses in accordance with the above.

  
Zoning Commissioner of  
Baltimore County



# PROTESTANT'S EXHIBIT

August 1983

Dear Mr. Jablon,

In reference to zoning case #-84-54-X, hearing August 17, 1983, in room 106, 111 W. Chesapeake Ave. Towson, Md. 21204, for a kennel.

We protest the kennel because we already have two kennels in our neighborhood which we feel are destroying the peace and tranquility of our neighborhood with the barking of many dogs. Sometimes this goes on all night long and certainly will depreciate the value of our property.

It is not fair to have another kennel even closer to us than the two we already have and the following signatures are all opposed to this proposal.

Wayne Mellett  
1415 Mt. Carmel Rd.

Charles R. H. West

Catherine Hirsch  
1322 Mt. Carmel Rd.  
Parkton, Md. 21120

Janet L. Gardner  
1400 Mt. Carmel Road  
Parkton, MD 21120

Tom Timber  
1700 8 Sun swept Lane  
Parkton MD 21120

Jennie Donaldson  
1314 Mt. Carmel Rd.  
Parkton, Md. 21120

Reeth Ann Robertson  
1106 Mt. Carmel Rd.  
Parkton, Md. 21120

D. Keith Whitcomb  
1112 Mt. Carmel Rd.

Rachel Mc Comas  
Hyles R. Mc Comas  
1300 Mt. Carmel Road  
Parkton, Md. 21120

Calvin L. Blucher  
Ellen Blucher  
1301 Mt. Carmel Rd.  
Parkton, Md. 21120

Joseph W. Enser  
Donna H. Enser  
1307 Mt. Carmel Rd.  
Parkton, Md 21120

Estelle Hanna  
1309 Mt. Carmel Rd.  
Parkton Md. 21120

Robert E. Leisinger  
1318 Mt. Carmel Road  
Parkton, Maryland 21120

Marlene B. Myers  
1310 Mt. Carmel Rd.

August 1, 1983

Dear Mr. Jablon,

In reference to zoning case #-84-54-X, hearing August 17, 1983, in room 106, 111 W. Chesapeake Ave. Towson, Md. 21204, for a kennel.

We protest the kennel because we already have two kennels in our neighborhood which we feel are destroying the peace and tranquility of our neighborhood with the barking of many dogs. Sometimes this goes on all night long and certainly will depreciate the value of our property.

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Edward P. + Rita J. Eiler 16938 Flickerwood Rd.  
Charles H + Mary E Hah 16940 FLICKERWOOD RD  
Virginia Beardsoff 16924 Flickerwood Rd  
Philip C Beardsoff, Pres. Flickerwood Estates, Inc.  
Gatherman Kallotte 1321 Mt Carmel Rd Parkton Md  
Shawn K Kallotte 1321 Mt Carmel Rd Parkton Md  
Doreen D Kallotte 1321 Mt Carmel Rd Parkton Md  
Mary Stockdale 16937 Flickerwood Rd Parkton Md  
Mary Thomas Sutton 1317 Mt. Carmel Rd. Parkton Md.

\* Reita L. Erler 16938 Flickerwood Rd. 21120

\* Maxine B. Myers 1310 Mt Carmel Rd Parkton 21120

Joseph W. Censor 1307 Mt. Carmel Rd. Parkton 21120

Shirley M. Whitelure 1112 Mt. Carmel Rd. Parkton, 21120

\* Charles Donald Myers 1411 Mt. Carmel Rd. Parkton 21120

Edward P. Erler Sr. 16938 Flickerwood Rd. 21120

Donald W. Wirtz 17002 Samsuept Lane Parkton Md. 21120

Julie Sutton 1317 Mt. Carmel Rd Parkton MD 21120

\* Tim Tucker 17008 Samsuept La Parkton MD 21120

\* Elizabeth A. Wirtz 17002 Samsuept Lane Parkton, Md. 21120

PROTESTANT'S  
EXHIBIT 2

Durst

PROTESTANTS

Name

Address

Maxine B. Myers

1310 Mt-Carmel Rd 21120

✓ Cynthia McCullough

17008 Sunswept Lane 21120

EDWARD P. ERLER SR.

16938 Flickerwood Rd 21120

✓ Rita L. Erler

16938 Flickerwood Rd 21120

Virginia Wardoff

16938 Flickerwood Rd 21120

Reverend. Tavis

17003 Sunswept Lane

Charles LeBoutillier

2711 Old Court Rd Parkton Md 21120

~~Donald J. Erler~~

Brooklandville Md

HARRY M. THRON

1405 MT CARMEL RD 21120

had to live

Joseph W. Ensor

1307 Mt. Carmel Rd. 21120

✓ Frederick H. Jenthu

16933 Flickerwood Rd 21120

Donald W. Wertz

17002 Sunswept Lane 21120

had to live

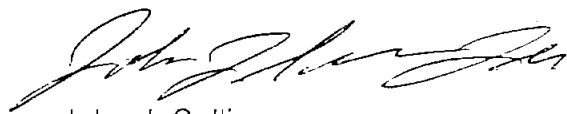
Donna H. Ensor

1307 Mt. Carmel Rd 21120

Page 2  
December 12, 2002  
Jennifer R. Busse, Esquire

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need any further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Sullivan". The signature is fluid and cursive, with a large, sweeping "J" and "S".

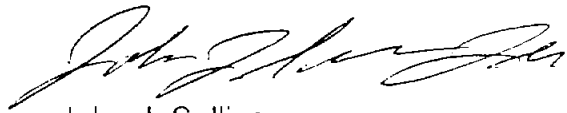
John J. Sullivan  
Planner II  
Zoning Review

cc Case #84-173-X File  
Case #89-380-SPH FILE  
Letter File

Page 2  
December 12, 2002  
Jennifer R. Busse, Esquire

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Very truly yours,

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John J. Sullivan  
Planner II  
Zoning Review

cc Case #84-173-X File  
Case #89-380-SPH FILE  
Letter File

EX. BLDG. #7

EX. BLDG. #6

DRIVEWAY

EX. LANDSCAPED ISLAND

EX. MACADAM DRIVE

EX. MACADAM DRIVE

EX. BLDG. #5

EX. LIBRARY BLDG. #1

EX. BLDG. #2

EX. BLDG. #3

55' MINIMUM BUILDING SETBACK LINE

70' (MIN.)

PROPOSED  
75'± X 130'±  
MULTI-PURPOSE BUILDING  
WITH ADMINISTRATIVE OFFICES  
(1 STORY BUILDING W/ BASEMENT 35' HEIGHT MAX.)

50' (MIN.)

R = 112.00'

L = 140.66'

R = 78.00'  
L = 61.46'

35' MINIMUM BUILDING SETBACK LINE

N 18°23'51"W  
86.68'

EX. MACADAM SERVICE ROAD

GREENSPRING VALLEY

ATTENTION: DRIVE OF OFFICE

IN THE MATTER	:	BEFORE
OF THE APPLICATION OF	:	
GLEN L. DURST, ET UX	:	COUNTY BOARD OF APPEALS
FOR SPECIAL EXCEPTION	:	
FOR A PRIVATE	:	OF
BREEDING KENNEL	:	
S/S BRANDY SPRINGS RD. 60'	:	BALTIMORE COUNTY
W. C/L OF MASEMORE RD. &	:	
N/S MT. CARMEL RD. 430'	:	NO. 84-54-X
E. C/L OF SUNSWEPT LANE	:	
7th DISTRICT	:	

::::::::::::::::::::::::::::::::

OPINION

This case comes before the Board on appeal from a decision of the Zoning Commissioner granting the requested special exception for a private breeding kennel and imposing certain restrictions thereon. The case was heard on February 14, 1984, in its entirety. The subject property is located on the south side of Brandy Springs Road 60 feet west of the centerline of Masemore Road and on the north side of Mt. Carmel Road 430 feet east of the centerline of Sunswept Lane, in the Seventh Election District of Baltimore County.

Mr. William Ulrich, land surveyor, testified that he prepared the plat for this site which was entered into evidence as Petitioner's Exhibit #1. He described the details portrayed on this exhibit to the Board. He noted the access to the proposed kennel would be via a paved lane off Mt. Carmel Road. He also noted the distance to the nearest residence to be some 500 feet<sub>±</sub> and to those on Flickerwood Road to be in excess of 1,000 feet. He noted the topography of the land as portrayed on Petitioner's Exhibit #3, which indicates the proposed site to be some 30 feet lower in elevation than Mt. Carmel Road. In closing his testimony, he noted that the land adjacent to the subject site is either wooded or pasture, the topography tending to discourage any tillage farming.

Mrs. Barbara Durst, property owner and Petitioner, then testified. Her testimony was that she has had the existing kennel for some twelve years and that it is a boarding kennel. A boarding kennel accepts any and all type dogs, and provides care for them for indeterminate periods. She also breeds and shows Chow dogs. Her success in breeding Chow dogs in the existing facility has been very poor since Chow dogs, especially puppies, are very susceptible to many diseases from other animals being boarded at this facility, hence, this request to be allowed a separate breeding facility. Mrs. Durst submitted as Petitioner's Exhibit #4-a thru #4-f a series of Facilities Inspection Reports conducted by an Animal Control Warden from April 4, 1979 thru



March 23, 1982. The number of dogs at the facility during these inspections ranged from 40 to 100 dogs, and in each and every inspection the facility was rated excellent.

Dr. William Shortall, veterinarian, testified that he does the veterinary work for this existing kennel, either on site or at his facility, the Padonia Veterinarian Hospital. He is of the opinion that the existing kennel is a very good one. He also confirmed the health problems with Chow puppies at this facility, noting an especially severe loss in the years 1979 and 1980, since which time breeding operations have been severely curtailed. He recommended separate breeding facilities as being normal for the breeding of Chow dogs.

Mr. Glenn Durst, property owner and Petitioner, testified that the kennel is operated solely by his wife. He described the proposed breeding kennel as being built of concrete block with wire fence covered runs. The building is to be air-conditioned with an office and an apartment on the upper level, in which he and his wife hope to reside. The new kennel would be underground in the side of a hill and would not be visible from any road. He also asked that he be allowed to move the kennel from 225 feet from the south property line to 205 feet from this line in order to utilize the existing topography and achieve this underground effect to the north. Mr. Durst noted that his land is not really suitable for farming, it being very erosive and wet, and stated that so far he has planted 7-8,000 white pine trees on the property.

Ms. Joyce Carlstrom, 1120 Mt. Carmel Road, a 13 year resident, testified she had no objection to the proposed breeding kennel. She stated that unconfined neighborhood pet dogs create a bigger nuisance than the existing kennel. The Board takes note that Ms. Carlstrom is the nearest neighbor to the proposed site to testify. Her testimony concluded Petitioner's case.

Mrs. Cynthia McCullough, 17008 Sunswept Lane, testified in opposition to the new kennel noting that the proposed location would be some 400 to 500 feet from her residence and she was certain that the barking of the dogs, particularly at night, would be audible to her. Mrs. Reita Erler, 16938 Flickerwood Road, also opposed the proposed kennel. (Note: She did not know just how far her home was from the proposed kennel but a scale on Petitioner's Exhibit #3 indicates it to be some 1400 to 1600 feet). She testified she hears the dogs barking from the existing kennel, day and night, and in fact kept a record of same which was entered as People's Counsel's Exhibit #2. Mrs. Erler also testified that she had made no complaints to anyone about this noise.

Mr. Fred Gunther, 16923 Flickerwood Road, also testified in opposition to the proposed kennel. (Note: His home is the same approximate distance as Mrs. Erler's home). Mr. Gunther testified that he lived at 1114 Mt. Carmel Road while his present home was being erected, and said that he could hear the dogs from the existing kennel at this location. He also made no complaints to anyone, this being only a temporary residence. He stated that he can hear the dogs in the summertime from his present home.

Ms. Maxine Myers, 1310 Mt. Carmel Road, testified that she hears the dogs barking almost daily, the situation being worse in the summertime, and noted that the proposed kennel would be relatively the same distance from her residence as the existing one. Rebecca Tansil, 17003 Sunswept Lane, has a kennel, by special exception, at this location. She breeds poodles and has a fancier's license. She objects to the proposed kennel because it represents increased commercialization in the area.

Mrs. Virginia Deardorff, 16924 Flickerwood Road, testified that she and her husband are developers of the properties along Flickerwood Road and fears that the additional kennel would detract from the area. She testified that there are twenty-five homesites in this area and that so far twelve houses have been erected. Mr. Donald Wirtz, 17002 Sunswept Lane, also testified in opposition to the new kennel because of the noise which is apt to be generated. This concluded Protestants case.

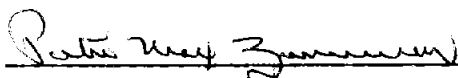
After reviewing all of the testimony and evidence presented, it appears that the special exception applied for by Petitioners should be granted. There was no substantive testimony that the proposed use would decrease property values in the area. A comparison of the testimony and evidence as it pertains to §502.1 indicates that the proposal meets all these prerequisites. The basic objection from the Protestants is to the noise that may result from the granting of this request. The Baltimore County Zoning Regulations clearly permit this land use by special exception in the R.C. 2 zone. Noise and dogs go hand in hand, and since the Council allowed this use in a rural zoning designation; i.e., R.C. 2, it must be considered normal rural noise as are tractors, cattle and other animals, etc., unless the noise can be proved to be unnatural, unusual or excessive. We have inspection notices from Baltimore County officials stating that the existing kennel is an "excellent" one, and the Board has no reason to believe that the proposed kennel will be anything less. It is, therefore, the opinion of this Board that the petition for a special exception for a breeding kennel should be granted and

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER  
S/S Brandy Springs Rd. 60' W of  
Centerline of Masemore & N/S of : OF BALTIMORE COUNTY  
Mt. Carmel Rd., 430' E of the  
Centerline of Sunswapt Lane, :  
7th District :  
:  
GLENN L. DURST, et ux, Petitioners Case No. 84-54-X  
: : : : :

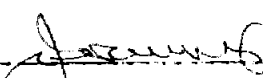
ORDER FOR APPEAL

Mr. Commissioner:

Please note an appeal from your decision in the above-entitled matter, under date of August 23, 1983, to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.

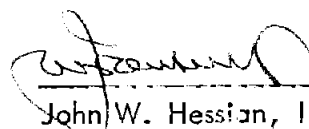


Peter Max Zimmerman  
Deputy People's Counsel

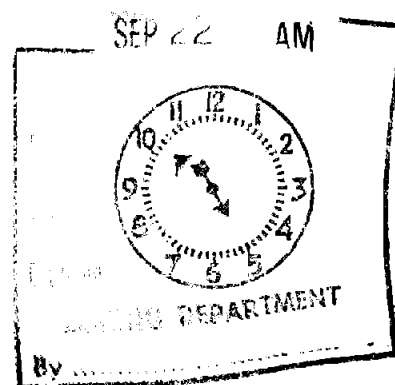


John W. Hessian, III  
People's Counsel for Baltimore County  
Rm. 223, Court House  
Towson, Maryland 21204  
494-2183

I HEREBY CERTIFY that on this 22nd day of September, 1983, a copy of the foregoing Order for Appeal was mailed to Mr. and Mrs. Glenn L. Durst, 1201 Brandy Springs Road, Parkton, MD 21120, Petitioners.



John W. Hessian, III



will so order, subject to restrictions.


ORDER

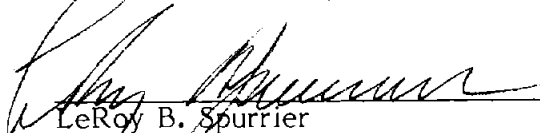
For the reasons set forth in the foregoing Opinion, it is this 24th day of April, 1984, by the County Board of Appeals, ORDERED that the special exception for a Private Breeding Kennel petitioned for, be and the same is hereby GRANTED, subject to the following restrictions:

1. That the proposed kennel building be no bigger than 28' x 80' - as shown on Petitioner's Exhibit #1, and that it be orientated in the same manner as shown.
2. That the Petitioners shall totally enclose the proposed kennel, and that all dogs be kept inside this enclosure from dark until 7:00 a.m. to reduce the possibility of noise during normal sleeping hours.
3. That the kennel be allowed to be placed 205 feet from the southern property line instead of the 225 feet now shown.
4. That the kennel itself be insulated and soundproofed to the best possible degree, and that it be appropriately landscaped and maintained in order to obtain the maximum reduction of noise emanating from the kennel.
5. That the Private Breeding Kennel be just that, and that the kennel be used only for the breeding and care of Chow dogs. No other dogs are to be boarded at this site.
6. That the special exception herein granted is for a "Private Breeding Kennel" as opposed to a normal "boarding" kennel.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

  
William T. Hackett, Chairman

  
LeRoy B. Spurrier

  
Patricia Phipps



County Board of Appeals of Baltimore County

Room 200 Court House  
Towson, Maryland 21204  
(301) 494-3180

April 24, 1984

Phyllis C. Friedman  
People's Counsel  
Courthouse  
Towson, Maryland 21204

Re: Case No. 84-54-X  
Glen L. Durst, et ux

Dear Mrs. Friedman:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

*Edith T. Eisenhart*

Edith T. Eisenhart, Adm. Secretary

Encl.

cc: Mrs. Reita L. Erler  
Ms. Maxine B. Myers  
Mr. Charles Donald Mays  
Mr. Tim Timber  
Mrs. Elizabeth A. Wirtz  
Glen L. Durst, et ux  
N. E. Gerber  
J. G. Hoswell  
A. Jablon  
Jean M. H. Jung  
J. E. Dyer

417

GLENN L. DURST et ux  
Petitioners

S/S BRANDY SPRINGS RD.  
60' from centerline of  
Masemore Rd

PETITION FOR SPECIAL EXCEPTION

\*  
\*  
\*  
\*  
\*

BEFORE THE  
COUNTY BOARD OF  
APPEALS  
Zoning Petition  
Item No. 255  
Case No. 84-54-X

\* \* \*

REQUEST FOR SUMMONS FOR WITNESSES

Mr. Clerk:

Please issue summonses for the following witnesses:

William G. Ulrich, Jr.  
Gerhold Cross and Etzel  
412 Delaware Avenue  
Towson, MD 21204 *md*  
*Sed 1-31-84*

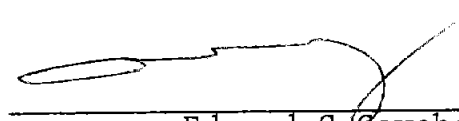
Dr. Robert Shortall  
Padonia Animal Hospital  
9827 York Rd.  
Cockeysville, MD 21030 *CLJ-27-84*  
*done*

To testify for the Petitioners. Returnable on February 14, 1984  
at 10:00 a.m, before the County Board of Appeals, Room 200,  
Court House, Towson, Maryland 21204.

RECEIVED  
CLERK OF COURT  
BALTIMORE CO.

COST 3 50  
SUMMONED 1-31 1984  
NON EST ..... 19  
NON SUNT ..... 19  
COPY LEFT 1-27 1984

SHERIFF  
CHARLES H. HICKEY, JR  
OF BALTIMORE COUNTY

  
Edward C. Covahey, Jr.  
Atty. for Petitioners  
614 Bosley Ave.  
Towson, MD 21204  
828-9441

Rec'd. 1/26/84  
9:30 a.m.

Mr. Sheriff:

Please issue this summons.

*Edith T. Eisenhart*  
Edith T. Eisenhart, Adm. Secretary  
County Board of Appeals of Baltimore County

84-116  
GLENN L. DURST, et ux  
Petitioners

S/S Brandy Springs Rd.  
60' from centerline of  
Masemore Road

Petition for Special Exception

\*  
\*  
\*  
\*  
\*  
\*

BEFORE THE  
ZONING COMMISSIONER  
FOR  
BALTIMORE COUNTY  
Item No. 255  
Case No. 84-54-X

\* \* \*

REQUEST FOR SUMMONS FOR  
WITNESSES

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Gerhold Cross and Etzel  
412 Delaware Avenue  
Towson, MD 21204

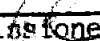
Dr. Robert Shortall  
Padonia Animal Hospital  
9827 York Rd.  
Cockeysville, MD 21030

To testify for the Petitioners. Returnable on February 14, 1984  
at 10:00 a.m., Office of the Zoning Commissioner for Baltimore  
County, 111 W. Chesapeake Avenue, County Office Building, Towson,  
Maryland.

Edward C. Covahey, Jr.  
Atty. for Petitioners  
614 Bosley Ave.  
Towson, MD 21204  
828-9441

Mr. Sheriff:

Please issue summonses in accordance with the above.

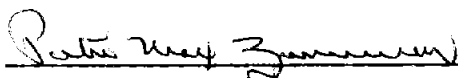
  
Zoning Commissioner of  
Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER  
S/S Brandy Springs Rd. 60' W of  
Centerline of Masemore & N/S of : OF BALTIMORE COUNTY  
Mt. Carmel Rd., 430' E of the  
Centerline of Sunswapt Lane, :  
7th District :  
:  
GLENN L. DURST, et ux, Petitioners Case No. 84-54-X  
: : : : :

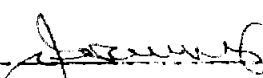
ORDER FOR APPEAL

Mr. Commissioner:

Please note an appeal from your decision in the above-entitled matter, under date of August 23, 1983, to the County Board of Appeals and forward all papers in connection therewith to said Board for hearing.

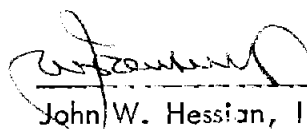


Peter Max Zimmerman  
Deputy People's Counsel

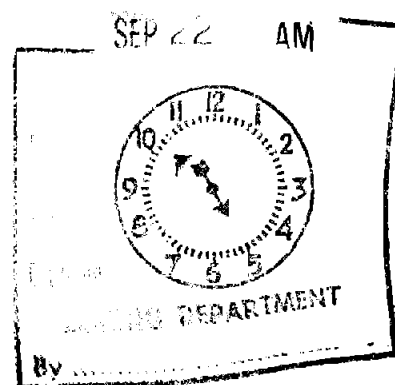


John W. Hessian, III  
People's Counsel for Baltimore County  
Rm. 223, Court House  
Towson, Maryland 21204  
494-2183

I HEREBY CERTIFY that on this 22nd day of September, 1983, a copy of the foregoing Order for Appeal was mailed to Mr. and Mrs. Glenn L. Durst, 1201 Brandy Springs Road, Parkton, MD 21120, Petitioners.



John W. Hessian, III





RE: PETITION SPECIAL EXCEPTION  
S/S Brandy Springs Rd., 60'  
W of the Centerline of  
Masemore & North Side  
Mt. Carmel Road, 430' East  
of the Centerline of Sunswept  
Lane, 7th District

Glenn L. Durst, et ux

## Petitioners

\*  
BEFORE THE  
\*  
ZONING COMMISSIONER OF  
\*  
BALTIMORE COUNTY  
\*  
Case No. 84-54-X  
\*  
\*

\* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSION OF LAW

The Petitioners herein request a special exception to have a "private breeding " kennel on their property, which is zoned RC 2, as more fully described on their site plan introduced as Petitioners Exhibit 10.

The Petitioners appeared and testified. Ten (10) Protestants appeared, and five (5) testified, in opposition.

The Petitioners testified, specifically and more fully described in their Exhibit 10, that the subject site is located on the west side of their property, 250' from the western property boundary line, and 225' from the southern property boundary line. The property owned by the Petitioners, approximately 44.71 acres, is zoned RC 2 (agricultural). Testimony revealed that the Petitioners own and operate a boarding kennel as a non-conforming use on the east side of their property, as shown on their Exhibit 10. The Petitioners wish to build and operate a kennel exclusively for the breeding of Chows, a particular breed of dog. They testified that it was necessary to isolate this breed, which they now raise, from other dogs and from the boarding kennel particularly due to the susceptibility of Chows to virus transmitted from both dogs and personnel there. Chows are extremely valuable as both show dogs and as pets, and the Petitioners are in the business of breeding, raising and selling them. Inasmuch as the value of Chows is great, and their susceptibility to disease and death while puppies equally as great,

UNDER RECEIVED FOR FILING

DATE August 23, 1983

BY

BY *Mary Campagna* (Clerk)

ADMINISTRATIVE ASSISTANT

the Petitioners have been advised by their veterinarian to separate and isolate the breed from other dogs and personnel in order to safeguard the dogs and protect their investment.

The Petitioners have owned and operated their boarding kennel, the Hereford Country Club for Pets, for the past eleven years. It is a boarding kennel, that is, the Petitioners take in, care for, and provide associated services to, dogs and other animals brought to them by owners. These animals can be boarded with Petitioners for various periods of time. The Petitioners testified that the request for the special exception to build the "private breeding" kennel is due to the introduction of germs to the Chows when the breeds mix at the kennel. This has been a continuous problem and one that has not been solved nor can be. It was explained that the dogs, no matter how well cared for, carry virus which cannot be eliminated no matter what the effort to do so. The virus which brought into the kennel are then transmitted through the air to the Chows, with the new born and puppies being particularly susceptible to disease leading to death. The Petitioners testified that medical evidence concludes that the only solution to the problem is to completely isolate the Chows from outside exposure to other dogs and animals. They testified that they have lost many puppies to disease related to the problem as described above. The Veterinarian for the Petitioners, through Petitioners Exhibit 9, confirms the dangers as described by the Petitioners and states that the Chows need and require isolation from the animals kept at the boarding kennel as well as from the personnel that work there. It is obvious that the loss to the Petitioners if the Chows were not to be isolated would be extreme, both monetarily and emotionally. The Petitioners brought to the hearing one of their Chows, a prize show dog valued at \$5000.00!

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DATE August 23, 1983

BY Mary Campagna (Clerk)

ADMINISTRATIVE ASSISTANT

Testimony was offered that if sold as pets, Chows as puppies would sell for between \$300.00 to \$500.00. If sold as show dogs, it was estimated that a puppy would bring between \$700.00 to \$1500.00.

The Petitioners propose to avoid the problems described above by building a separate, distinct and literally isolated kennel. This new kennel will be built as more fully described in their Exhibit 10, and as described on the site plans submitted by them and accepted into evidence, and would be 80' by 28'. It will be fully enclosed, insulated and protected from external influences. It would consist of office space, kitchen space, training room, runs, isolation area and holding kennel. Access to the kennel will be by access road from Mt. Carmel Road, approximately 600' long, to the southern boundary line, and then 225' further to the kennel itself. Petitioners testified that the new kennel will be solely used for raising Chows, training them and preparing them for show and/or for sale. The kennel will not be used for boarding other dogs or for boarding Chows not belonging to them. The kennel will be used only for breeding Chows belonging to them, and, therefore, there will be no additional traffic created to the kennel except for the Petitioners themselves and their employees, which they estimate to be three.

The land along the access road is owned by the Petitioners. The stated purpose of the proposed kennel will be for the Petitioners to breed and raise Chows belonging only to them, and they estimate that at any one time they will have approximately ten to twelve puppies and twenty to thirty adult dogs. The Petitioners further testify that the neighbors will hear no noise from this kennel, and explain that Chows do not make a shrill or loud bark, but a sound which is best described as a low growl. In addition, they state the kennel will be insulated, and that the kennel will be totally enclosed with only sliding glass doors on the side of the runs to allow for air. These doors

ORIGINAL FILED FOR FILING

DATE August 23, 1983

BY Mary Campagna (Clerk)

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AUG 23 1983

DATE August 23, 1983

BY Mary Campagna (Clerk)

can be closed and will be except for the allowance of air into the runs. When closed, there will be total enclosure. It is also pointed out the great distance between the proposed kennel and the nearest neighbors, as indicated on their Exhibit 10.

The Protestants vigorously disagree and all complain of the noise now emanating from the Petitioners other kennel, and from another on Sunswept Lane, categorized as a Poodle kennel. Whether or not this is a kennel seemed to be a matter of dispute between the parties, but all agree that the Poodles are extremely noisy. The Protestants made it clear that they do not want a third kennel in their neighborhood.

The Protestants complain that property values will decline if the special exception was to be granted, but their main complaint concerns the noise already existing and the expected noise if the proposed kennel was to be built. Apparently there is a plethora of barking dogs, and the Protestants certainly, notwithstanding the Petitioners disclaimer, do not want one more! They state firmly that the noise constitutes a public nuisance.

There is strong disagreement over this issue. The Petitioners deny categorically that noise will be a result, while the Protestants argue that the Petitioners cannot be trusted to be honest in this regard.

The Petitioners seek relief from Section 1A 01.2 C.2, pursuant to Section 502.1, of the Baltimore County Zoning Regulations (BCZR). Section 421.1, BCZR, is not at issue as it is apparent from the site plans that the kennel, if built, would comply with the set back requirements delineated therein.

It is clear that the zoning regulations allow a kennel in any RC 2 zone as a use permitted by special exception. It is equally as clear that the proposed use would not be detrimental to the primary agricultural uses in the vicinity

of the proposed kennel. Therefore, the issue to be decided is whether the conditions of Section 502.1, BCZR, are met by the Petitioners.

After reviewing all of the testimony and evidence presented, it appears that the special exception as applied for by the Petitioners should be granted, with certain restrictions as will be more fully set forth later.

There is, of course, a strong presumption of the correctness of original zoning and of comprehensive zoning. See Howard County v. Dorsey, 438 A 2d 1339 (1982). There is a presumption of validity that must be accepted. See Johnson & Wales College v. DiPiete, R.I., 448 A 2d 1271 (1982). The County Council has seen it necessary to legislate the permitted uses, either as a matter of right or as one by special exception, in particular zones in the County, and one of those uses permitted by special exception in a RC 2 zone is the right to have a kennel. In interpreting the zoning ordinance provisions, the restrictive language contained must be strictly construed so as to allow the landowner the least restrictive use of his property. Lake Adventure, Inc. v. Zoning Hearing Bd of Dingman Township, Pa Cmwlt, 440 A 2d 1284 (1982).

When the language of a zoning ordinance is clear and certain, there is nothing left for interpretation and the ordinance must be interpreted literally.

Mongony v. Bevilacqua, R.I., 432 A 2d 661 (1981).

Kennels, dogs and noise go hand in glove; one cannot be without the other. When the Council permitted kennels by special exception in RC 2 zones, it would seem obvious that it took cognizance of this factor. Noise is a natural extension of a kennel. Therefore, if noise alone were to defeat a special exception for a kennel, it would seem that such resulting noise would have to be unusual as measured against the average level of noise emanating from a kennel.

The Petitioners say no unusual noise would result. They are experts.

RE: PETITION SPECIAL EXCEPTION  
S/S Brandy Springs Rd., 60'  
W of the Centerline of  
Masemore & North Side  
Mt. Carmel Road, 430' East  
of the Centerline of Sunswapt  
Lane, 7th District

Glenn L. Durst, et ux

Petitioners

\* BEFORE THE  
\*  
\* ZONING COMMISSIONER OF  
\*  
\* BALTIMORE COUNTY  
\*  
\* Case No. 84-54-X  
\*  
\*  
\*  
\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSION OF LAW

The Petitioners herein request a special exception to have a "private breeding " kennel on their property, which is zoned RC 2, as more fully described on their site plan introduced as Petitioners Exhibit 10.

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The Petitioners testified, specifically and more fully described in their Exhibit 10, that the subject site is located on the west side of their property, 250' from the western property boundary line, and 225' from the southern property boundary line. The property owned by the Petitioners, approximately 44.71 acres, is zoned RC 2 (agricultural). Testimony revealed that the Petitioners own and operate a boarding kennel as a non-conforming use on the east side of their property, as shown on their Exhibit 10. The Petitioners wish to build and operate a kennel exclusively for the breeding of Chows, a particular breed of dog. They testified that it was necessary to isolate this breed, which they now raise, from other dogs and from the boarding kennel particularly due to the susceptibility of Chows to virus transmitted from both dogs and personnel there. Chows are extremely valuable as both show dogs and as pets, and the Petitioners are in the business of breeding, raising and selling them. Inasmuch as the value of Chows is great, and their susceptibility to disease and death while puppies equally as great,

DATE August 23, 1983

BY

Mary Campagna (Club)

ADMINISTRATIVE ASSISTANT

The opinions or conclusions of witnesses must be measured by the soundness of their underlying reasons or facts. Surkovich v. Doub, 265 A 2d 447 (1970).

The explanation provided by the Petitioners as a basis for their opinion is both substantial and strong. See Coppolino v. County Bd of Appeals of Baltimore County, 328 A 2d 55 (1974). The Petitioners are convincing.

"The special exception use is a part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general welfare, and therefore valid. The special exception use is a valid zoning mechanism that delegates ... a limited authority to allow enumerated uses which the legislature has determined to be permissible absent any fact or circumstance negating the presumption. The duties given ... are to judge whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan." Schultz v. Pritts, 432 A 2d 1319 (1981).

The Petitioners have the burden of adducing testimony which will show that the proposed kennel meets the prescribed standards and requirements as set forth in Section 502.1. The Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances of this matter do not show that the proposed kennel at the particular location proposed for its use by the Petitioners would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. See Schultz, supra.

The proposed kennel will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the

COPIES RECEIVED FOR FILING

DATE August 23, 1983

BY

Mary Campagna (Clerk)

ADMINISTRATIVE ASSISTANT

property's zoning classification nor in any other way inconsistent with the spirit and intent of the zoning regulations.

The proposed kennel shall not have an adverse effect above and beyond that ordinarily associated with kennels, a use designated as a special exception.

No testimony was presented by the Protestants that property values will decrease if the special exception was to be granted, only that the values will not increase as much or as quickly as they would like. However, nothing was presented that would substantiate this conclusion. Testimony was also presented notwithstanding the existence of the Petitioners' boarding kennel that property values in the area had continued to increase and that values remained high. One Protestant testified that the values of homes in her neighborhood ranged from \$135,000.00 to \$200,000.00. The area so described is within "barking" distance of the Petitioners' existing kennel.

The Protestants are opposed to noise, and especially opposed to more noise that they perceive emanating from the proposed kennel. The Petitioners argue that there will be none. If there is, they state, and if the neighbors are bothered, the Petitioners are willing to work with them to alleviate the problem.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirement of Section 502.1 of the Baltimore County Zoning Regulations having been met and the health, safety and general welfare of the community not being adversely affected, the special exception should be granted.

ORIGINAL FILED FOR FILING

DATE August 23, 1983

BY Mary Campagna (Clerk)

ASSISTANT CLERK



Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 23rd day of August, 1983, that the Petition for Special Exception for a kennel in accordance with the site plan as introduced and accepted into evidence as Petitioners' Exhibit 10, and more fully described in Petitioners' Exhibits 7 and 8, is hereby granted, from and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioners may apply for the building permit and be granted same upon receipt of the Order; however, Petitioners are hereby made aware that their proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
2. The Special Exception is hereby limited now and at any time in the future to the breeding, raising and caring for Chow dogs, and as indicated above, there shall not be permitted any other breed of dog or any other type or kind of animal in said kennel; in addition, there shall be no boarding of any dog or animal owned by others;
3. The special exception is limited to allowing no more than 15 puppies and no more than 40 adult Chow dogs at any one time;
4. The Petitioners are hereby required to totally enclose the proposed kennel, with sliding glass partitions located around the dog runs which shall be open for the express purpose only of allowing air to circulate, and said partitions shall be closed if there is any noise emanating from said kennel;
5. The Petitioners are hereby required to insulate and soundproof to the degree possible the proposed kennel;
6. The Petitioners are hereby required to provide appropriate landscaping surrounding the kennel that will reduce if not eliminate any possible noise escaping from the kennel; with the type and kind at the discretion of the Petitioners.
7. The special exception herein granted shall be as a "private breeding" kennel as opposed to a "boarding" kennel.

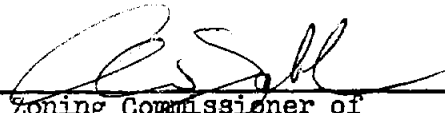
ORIGINAL RECEIVED FOR FILING

DATE August 23, 1983

BY

Mary Campagne (Clerk)

ADMINISTRATIVE ASSISTANT

  
Zoning Commissioner of  
Baltimore County



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

August 23, 1983

Mr. and Mrs. Glen L. Durst  
1201 Brandy Springs Road  
Parkton, Maryland 21120

RE: Petition for Special Exception  
S/S of Brandy Springs Rd., 60' W of the  
center line of Masemore Rd. and the N/S  
of Mt. Carmel Rd., 430' E of the center  
line of Sunswept Lane - 7th Election  
District  
Glen L. Durst, et ux - Petitioners  
84-54-X (Item No. 255)

Dear Mr. and Mrs. Durst:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

  
ARNOLD JABLON  
Zoning Commissioner

AJ

Attachments

cc: Ms. Reita L. Erler  
16938 Flickerwood Road  
Parkton, Maryland 21120

Ms. Maxine B. Myers  
1310 Mt. Carmel Road  
Parkton, Maryland 21120

Mr. Charles Donald Mays  
1411 Mt. Carmel Road  
Parkton, Maryland 21120

Mr. Tim Timber  
17008 Sunswept Lane  
Parkton, Maryland 21120

Ms. Elizabeth A. Wirtz  
17002 Sunswept Lane  
Parkton, Maryland 21120

John W. Hessian, III, Esquire  
People's Counsel

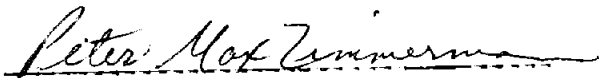
7-10-83

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER  
S/S Brandy Springs Rd., 60' W of the :  
Centerline of Masemore & North Side : OF BALTIMORE COUNTY  
Mt. Carmel Road, 430' East of the :  
Centerline of Sunswept Lane, : Case No. 84-54-X  
7th District :  
:  
GLENN L. DURST, et ux, Petitioners  
: : : : :  
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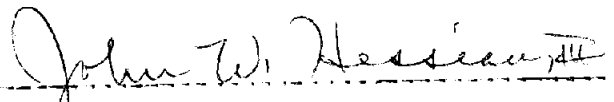
ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

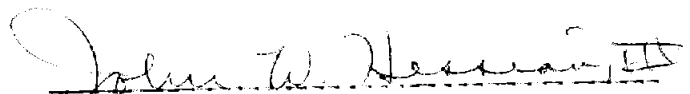


Peter Max Zimmerman  
Deputy People's Counsel



John W. Hessian, III  
People's Counsel for Baltimore County  
Rm. 223, Court House  
Towson, Maryland 21204  
494-2188

I HEREBY CERTIFY that on this 26th day of July, 1983, a copy of the foregoing Order was mailed to Mr. and Mrs. Glenn L. Durst, 1201 Brandy Springs Road, Parkton, Maryland 21120, Petitioners.

  
John W. Hessian, III

# PETITION FOR SPECIAL EXCEPTION

84-54-X

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for (Private Breeding) Kennel

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Glen L. Durst

(Type or Print Name)

Signature

Barbara P. Durst

(Type or Print Name)

Signature

1201 Brandy Springs Road

Address

Phone No.

Parkton, Maryland 21120

City and State

Name, address and phone number of legal owner, tract purchaser or representative to be contacted

same

Name

Address

343-0616

Phone No.

MAP:	
ELECTION	
DISTRICT	
D. T.	
TYPE	
HEARING	
BY	
CON-	
FINAL	
BY	

ORDERED By The Zoning Commissioner of Baltimore County, this 7th day of June, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of August, 1983, at 1:30 o'clock P.M.

*Carl J. Jahn*

Zoning Commissioner of Baltimore County.

CARL L. GERHOLD  
PHILIP K. CROSS  
JOHN F. ETZEL  
WILLIAM G. ULRICH  
GORDON T. LANGDON

GERHOLD, CROSS & ETZEL  
Registered Professional Land Surveyors  
412 DELAWARE AVENUE  
TOWSON, MARYLAND 21204

EMERITUS  
PAUL G. DOLLENBERG  
FRED H. DOLLENBERG

B23-4470

May 26, 1983

### Zoning Description

All that piece or parcel of land situate, lying and being in the Seventh Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same on the south side of Brandy Springs Road at the beginning of the land of the herein petitioner, said point of beginning being westerly measured along the southernmost side of Brandy Springs Road, 60 feet from the center of Masemore Road, thence running and binding on the southernmost side of Brandy Spring Road, by a line curving toward the left having a radius of 300 feet for a distance of 40 feet, thence leaving Brandy Springs Road and running on the land of the herein petitioner, the seventeen following courses and distances viz: South 55 degrees 03 minutes West 225.00 feet, South 54 degrees 35 minutes 45 seconds West 300.00 feet, North 75 degrees 12 minutes 35 seconds West 160.00 feet, South 54 degrees 35 minutes 45 seconds West 720.00 feet, North 35 degrees 24 minutes 15 seconds West 645.00 feet, North 54 degrees 35 minutes 45 seconds East 564.89 feet, North 35 degrees 24 minutes 15 seconds West 402.38 feet, South 54 degrees 35 minutes 45 seconds West 741.53 feet, North 63 degrees 52 minutes 53 seconds West 895.76 feet, South 49 degrees 06 minutes 09 seconds West 300.00 feet, South 8 degrees 54 minutes 06 seconds East 156.30 feet, South 4 degrees 26 minutes 52 seconds West 452.77 feet, South 82 degrees 14 minutes 06 seconds East 1179.34 feet, South 34 degrees 35 minutes 15 seconds East 655.89 feet, North 55 degrees 13 minutes 33 seconds East 784.08 feet, North 54 degrees 35 minutes 45 seconds East 739.38 feet and North 55 degrees 03 minutes East 247.52 feet to the place of beginning.

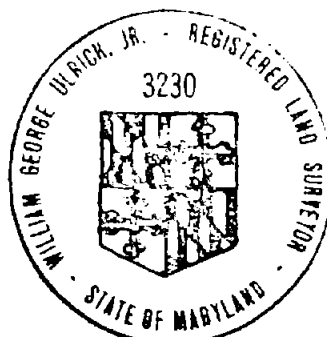
Containing 35.20 Acres of land more or less.

### 20 Foot Wide Ingress - Egress Description

Being a 20 Foot Wide in fee strip of land for ingress and egress to the Glenn L. Durst Property, the beginning thereof being described as follows to wit:

Beginning for the same on the north side of Mt. Carmel Road at the distance of 430 feet measured easterly\*along the north side of Mt. Carmel Road as widened 40 feet northerly from the centerline thereof and at the southwest corner of the 20 foot wide in fee strip to Glenn L. Durst property as shown on the Subdivision Plat of Property of Mr. & Mrs. William McKinley Smith and Mr. & Mrs. Glenn L. Durst which plat is recorded among the Plat Records of Baltimore County in Plat Book E.H.K., Jr. No. 47 folio 120 and also shown on the plat accompanying this description.

\* - from the centerline of Sunswept Lane



William G. Ulrich Jr.

**CERTIFICATE F POSTING**  
**ZONING DEPARTMENT F BALTIMORE C UNTY**  
**Towson, Maryland**

84-54-X

District 7th

Date of Posting July 28 1983

Posted for: Special Exception

Petitioner: Glen L. Durst et ux

Location of property: S/S of Brandy Springs Road 60' W of the  
C/L of Macmore Road & N/S of Mt Carmel Road 430'  
E of the C/L of Sunnyside Lane

Location of Signs: 1 sign S/S of Brandy Springs Road approx 75' W of the C/L of Macmore  
Road - 1 sign N/S of Mt Carmel Road approx 440' E of the C/L of Sunnyside Lane

Remarks:

Posted by S. J. Arath  
Signature

Date of return: August 5 1983

Number of Signs: 2

**CERTIFICATE F POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

84-54-X

District 7th

Date of Posting October 3, 1983

Posted for: Appeal

Petitioner: Glen L Durat et ux

Location of property: S/S Brandy Springs Rd. 60' W of the C/L of Rosemore Rd and N/S of Mt Carmel Rd 430 E of the C/L of Sunnyside Lane

Location of Signs: S/S of Brandy Springs Road approx 70' W of the C/L of Rosemore Rd and 1 sign N/Side of Mt Carmel Rd at Durat's Access Road

Remarks: \_\_\_\_\_

Posted by A. J. Prater

Signature

Date of return: October 7, 1983

Number of Signs: 2

PETITION FOR SPECIAL  
EXCEPTION  
7th Election District

ZONING: Petition for Special  
Exception

LOCATION: South side of Brandy  
Springs Road 430 ft. West of the  
centerline of Masemore Road and  
North side of Mt. Carmel Road,  
430 ft. East of the centerline of  
Sunswept Lane

DATE & TIME: Wednesday, Aug-  
ust 17, 1983 at 1:30 P.M.

PUBLIC HEARING: Room 106,  
County Office Building, 111 W  
Chesapeake Avenue, Towson,  
Maryland

The Zoning Commissioner of Bal-  
timore County, by authority of the  
Zoning Act and Regulations of Bal-  
timore County, will hold a public  
hearing:

Petition for Special Exception for  
a kennel (private breeding)

All that parcel of land in the Sev-  
enth District of Baltimore County

Beginning for the same on the  
south side of Brandy Springs Road  
at the beginning of the land of the  
herein petitioner, said point of be-  
ginning being westerly measured  
along the southernmost side of  
Brandy Springs Road, 80 feet  
from the center of Masemore Road,  
thence running and binding on the  
southernmost side of Brandy  
Spring Road, by a line curving  
toward the left having a radius of  
300 feet for a distance of 40 feet,  
thence leaving Brandy Springs  
Road and running on the land of  
the herein petitioner, the seven-  
teen following courses and distan-  
ces viz: South 55 degrees 08 min-  
utes West 225.00 feet, South 54 de-  
grees 35 minutes 45 seconds West  
300.00 feet, North 75 degrees 12  
minutes 35 seconds West 160.00  
feet, South 54 degrees 35 minutes  
45 seconds West 720.00 feet, North  
35 degrees 24 minutes 15 seconds  
West 645.00 feet, North 54 degrees  
35 minutes 45 seconds East 564.89  
feet, North 35 degrees 24 minutes  
15 seconds West 402.38 feet, South  
54 degrees 35 minutes 45 seconds  
West 741.53 feet, North 63 degrees  
52 minutes 53 seconds West 895.76  
feet South 49 degrees 06 minutes  
09 seconds West 300.00 feet, South  
8 degrees 54 minutes 06 seconds  
East, 156.30 feet, South 4 degrees  
26 minutes 52 seconds West 452.77  
feet, South 82 degrees 14 minutes  
06 seconds East 1179.34 feet, South  
33 degrees 45 minutes 15 seconds  
East 655.89 feet, North 55 degrees  
13 minutes 33 seconds East 784.08  
feet, North 54 degrees 35 minutes  
45 seconds East 739.38 feet and  
North 55 degrees 03 minutes East  
247.52 feet to the place of begin-  
ning.

Containing 35.20 Acres of land  
more or less.

20 Foot Wide Ingress-Egress de-  
scription

Being a 20 Foot Wide in fee strip  
of land for ingress and egress to  
Glenn L. Durst property as shown  
beginning thereof being described  
as follows, to wit:

Beginning for the same on the  
north side of Mt. Carmel Road at  
the distance of 430 feet measured  
easterly along the north side of  
Mt. Carmel Road as widened 40 feet  
northerly from the centerline there-  
of and at the southwest corner of  
the 20 foot wide in fee strip to  
Glenn L. Durst property as shown  
on the Subdivision Plat of Prop-  
erty of Mr. & Mrs. William Mc-  
Kinley Smith and Mr. & Mrs.  
Glenn L. Durst which plat is re-  
corded among the Plat Records of  
Baltimore County in Plat Book  
E.H.K., Jr. No. 47 folio 120 and  
also shown on the plat accompan-  
ing this description.

\*—from the centerline of Sun-  
swept Lane

Being the property of Glen L.  
Durst, et ux, as shown on plat plan  
filed with the Zoning Department.

Hearing Date: Wednesday, Aug-  
ust 17, 1983 at 1:30 P.M.

Public Hearing: Room 106, Coun-  
ty Office Building, 111 W. Ches-  
apeake Avenue, Towson, Maryland.

By Order Of

ARNOLD JABLON  
Zoning Commissioner  
of Baltimore County

July 28

84-54-X

# CERTIFICATE OF PUBLICATION

TOWSON, MD., July 28, 1983

THIS IS TO CERTIFY, that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper printed  
and published in Towson, Baltimore County, Md., ~~once in each~~  
of one time ~~successive weeks~~ before the 17th  
day of August, 1983, the last publication  
appearing on the 28th day of July  
1983.

THE JEFFERSONIAN,

*L. Frank Strickler*  
Manager.

Cost of Advertisement, \$ 42.00